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THE

WRITINGS

OF

THOMAS JEFFERSON:

BEING HIS

AUTOBIOGRAPHY, CORRESPONDENCE, REPORTS, MESSAGES, ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE.

PUBLISHED BY THE ORDER OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY,

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WITH EXPLANATORY NOTES, TABLES OF CONTENTS, AND A COPIOUS INDEX TO EACH VOLUME, AS WELL AS A GENERAL INDEX TO THE WHOLE,

BY THE EDITOR

H. A. WASHINGTON.

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PART II—CONTINUED.

LETTERS WRITTEN WHILE IN EUROPE

PART II.—CONTINUED.

LETTERS WRITTEN WHILE IN EUROPE.

1784–1790.

TO JAMES MADISON.

PARIS, March 15, 1789.

DEAR SIR,—I wrote you last on the 12th of January; since which I have received yours of October the 17th, December the 8th and 12th. That of October the 17th, came to hand only February the 23d. How it happened to be four months on the way, I cannot tell, as I never knew by what hand it came. Looking over my letter of January the 12th, I remark an error of the word "probable" instead of "improbable," which doubtless, however, you had been able to correct.

Your thoughts on the subject of the declaration of rights, in the letter of October the 17th, I have weighed with great satisfaction. Some of them had not occurred to me before, but were acknowledged just in the moment they were presented to my mind. In the arguments in favor of a declaration of rights, you omit one which has great weight with me; the legal check which it puts into the hands of the judiciary. This is a body, which, if rendered independent and kept strictly to their own department, merits great confidence for their learning and integrity. In fact, what degree of confidence would be too much, for a body composed of such men as Wythe, Blair and Pendleton? On characters like these, the "*civium ardor prava jubentium*" would make no impression. I am happy to find that, on the whole, you are a friend to this amendment. The declaration of

rights is, like all other human blessings, alloyed with some inconveniences, and not accomplishing fully its object. But the good in this instance, vastly overweighs the evil. I cannot refrain from making short answers to the objections which your letter states to have been raised. 1. That the rights in question are reserved, by the manner in which the federal powers are granted. Answer. A constitutive act may, certainly, be so formed, as to need no declaration of rights. The act itself has the force of a declaration, as far as it goes; and if it goes to all material points, nothing more is wanting. In the draught of a constitution which I had once a thought of proposing in Virginia, and printed afterwards, I endeavored to reach all the great objects of public liberty, and did not mean to add a declaration of rights. Probably the object was imperfectly executed; but the deficiencies would have been supplied by others, in the course of discussion. But in a constitutive act which leaves some precious articles unnoticed, and raises implications against others, a declaration of rights becomes necessary, by way of supplement. This is the case of our new federal Constitution. This instrument forms us into one State, as to certain objects, and gives us a legislative and executive body for these objects. It should, therefore, guard us against their abuses of power, within the field submitted to them. 2. A positive declaration of some essential rights could not be obtained in the requisite latitude. Answer. Half a loaf is better than no bread. If we cannot secure all our rights, let us secure what we can. 3. The limited powers of the federal government, and jealousy of the subordinate governments, afford a security which exists in no other instance. Answer. The first member of this seems resolvable into the first objection before stated. The jealousy of the subordinate governments is a precious reliance. But observe that those governments are only agents. They must have principles furnished them, whereon to found their opposition. The declaration of rights will be the text, whereby they will try all the acts of the federal government. In this view, it is necessary to the federal government also; as by the same text, they may try the opposition of the

subordinate governments. 4. Experience proves the inefficacy of a bill of rights. True. But though it is not absolutely efficacious under all circumstances, it is of great potency always, and rarely inefficacious. A brace the more will often keep up the building which would have fallen, with that brace the less. There is a remarkable difference between the characters of the inconveniences which attend a declaration of rights, and those which attend the want of it. The inconveniences of the declaration are, that it may cramp government in its useful exertions. But the evil of this is short-lived, moderate and reparable. The inconveniences of the want of a declaration are permanent, afflicting and irreparable. They are in constant progression from bad to worse. The executive, in our governments, is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in its turn; but it will be at a remote period. I know there are some among us, who would now establish a monarchy. But they are inconsiderable in number and weight of character. The rising race are all republicans. We were educated in royalism; no wonder, if some of us retain that idolatry still. Our young people are educated in republicanism; an apostasy from that to royalism, is unprecedented and impossible. I am much pleased with the prospect that a declaration of rights will be added; and I hope it will be done in that way, which will not endanger the whole frame of government, or any essential part of it.

I have hitherto avoided public news in my letters to you, because your situation insured you a communication of my letters to Mr. Jay. This circumstance being changed, I shall, in future, indulge myself in these details to you. There had been some slight hopes, that an accommodation might be effected between the Turks and two empires; but these hopes do not strengthen, and the season is approaching which will put an end to them, for another campaign, at least. The accident to the King of England has had great influence on the affairs of Europe. His mediation, joined with that of Prussia, would certainly have kept

Denmark quiet, and so have left the two empires in the hands of the Turks and Swedes. But the inactivity to which England is reduced, leaves Denmark more free, and she will probably go on in opposition to Sweden. The King of Prussia, too, had advanced so far, that he can scarcely retire. This is rendered the more difficult, by the troubles he has excited in Poland. He cannot well abandon the party he had brought forward there; so that it is very possible he may be engaged in the ensuing campaign. France will be quiet this year, because this year, at least, is necessary for settling her future constitution. The States will meet the 27th of April; and the public mind will, I think, by that time, be ripe for a just decision of the question, whether they shall vote by orders or persons. I think there is a majority of the Nobles already for the latter. If so, their affairs cannot but go on well. Besides settling for themselves a tolerably free constitution, perhaps as free a one as the nation is as yet prepared to bear, they will fund their public debts. This will give them such a credit, as will enable them to borrow any money they may want, and of course, to take the field again, when they think proper. And I believe they mean to take the field, as soon as they can. The pride of every individual in the nation, suffers under the ignominies they have lately been exposed to, and I think the States General will give money for a war, to wipe off the reproach. There have arisen new bickerings between this court and that of the Hague; and the papers which have passed, show the most bitter acrimony rankling at the heart of this ministry. They have recalled their ambassador from the Hague, without appointing a successor. They have given a note to the Diet of Poland, which shows a disapprobation of their measures. The insanity of the King of England has been fortunate for them, as it gives them time to put their house in order. The English papers tell you the King is well; and even the English ministry say so. They will naturally set the best foot foremost; and they guard his person so well, that it is difficult for the public to contradict them. The King is probably better, but not well, by a great deal. 1. He has been bled, and judicious phy-

sicians say, that in his exhausted state, nothing could have induced a recurrence to bleeding, but symptoms of relapse. 2. The Prince of Wales tells the Irish deputation, he will give them a definitive answer in some days; but if the King had been well, he could have given it at once. 3. They talk of passing a standing law, for providing a regency in similar cases. They apprehend then, they are not yet clear of the danger of wanting a regency. 4. They have carried the King to church; but it was his private chapel. If he be well, why do not they show him publicly to the nation, and raise them from that consternation into which they have been thrown, by the prospect of being delivered over to the profligate hands of the Prince of Wales. In short, judging from little facts, which are known in spite of their teeth, the King is better, but not well. Possibly he is getting well, but still, time will be wanting to satisfy even the ministry, that it is not merely a lucid interval. Consequently, they cannot interrupt France this year in the settlement of her affairs, and after this year it will be too late.

As you will be in a situation to know when the leave of absence will be granted me, which I have asked, will you be so good as to communicate it, by a line, to Mr. Lewis and Mr. Eppes? I hope to see you in the summer, and that if you are not otherwise engaged, you will encamp with me at Monticello for awhile.

I am, with great and sincere attachment, dear Sir, your affectionate friend and servant.

TO THOMAS PAINE.

PARIS, March 17, 1789.

DEAR SIR,—My last letter to you extended from December the 23d to January the 11th. A confidential opportunity now arising, I can acknowledge the receipt of yours of January the 15th, at the date of which you could not have received mine.

You knew, long ago, that the meeting of the States is to be at

Versailles on the 27th of April. This country is entirely occupied in its elections, which go on quietly and well. The Duke d'Orleans is elected for Villers Cotterels. The Prince of Condé has lost the election he aimed at; nor is it certain he can be elected anywhere. We have no news from Auvergne, whither the Marquis de La Fayette is gone. In general, all the men of influence in the country are gone into the several provinces to get their friends elected, or be elected themselves. Since my letter to you, a tumult arose in Bretagne, in which four or five lives were lost. They are now quieter, and this is the only instance of a life lost, as yet, in this revolution. The public mind is now so far ripened by time and discussion, that there seems to be but one opinion on the principal points. The question of voting by persons of orders is the most controverted; but even that seems to have gained already a majority among the Nobles. I fear more from the number of the Assembly, than from any other cause. Twelve hundred persons are difficult to keep to order, and will be so, especially, till they shall have had time to frame rules of order. Their funds continue stationary, and at the level they have stood at for some years past. We hear so little of the parliaments for some time past, that one is hardly sensible of their existence. This unimportance is probably the forerunner of their total re-modification by the nation. The article of legislation, is the only interesting one on which the court has not explicitly declared itself to the nation. The Duke d'Orleans has given instructions to his proxies in the baillages, which would be deemed bold in England, and are reasonable beyond the reach of an Englishman, who, slumbering under a kind of half reformation in politics and religion, is not excited by anything he sees or feels, to question the remains of prejudice. The writers of this country, now taking the field freely and unrestrained, or rather involved by prejudice, wil rouse us all from the errors in which we have been hitherto rocked.

We had, at one time, some hope that an accommodation would have been effected between the Turks and two empires. Prob

ably the taking Oczakow, while it has attached the Empress more to the Crimea, is not important enough to the Turks, to make them consent to peace. These hopes are vanishing. Nor does there seem any prospect of peace between Russia and Sweden. The palsied condition of England leaves it probable that Denmark will pursue its hostilities against Sweden. It does not seem certain whether the King of Prussia has advanced so far in that mediation, and in the troubles he has excited in Poland, as to be obliged to become a party. Nor will his becoming a party draw in this country, the present year, if England remains quiet. Papers which lately passed between this court and the government of Holland, prove that this nourishes its discontent, and only waits to put its house in order, before it interposes They have recalled their ambassador from the Hague, without naming a successor. The King of Sweden, not thinking that Russia and Denmark are enough for him, has arrested a number of his Nobles, of principal rank and influence. It is a bold measure, at least, and he is too boyish a character to authorize us to presume it a wise one, merely because he has adopted it. His army was before disgusted. He now puts the Nobles and all their dependents on the same side, and they are sure of armed support, by Russia on the north, and Denmark on the south. He can have no salvation but in the King of Prussia.

I have received two letters from Ledyard, the one dated Alexandria, August the 15th, the other Grand Cairo, September the 10th; and one lately from Admiral Paul Jones, dated St. Petersburg, January the 31st. He was just arrived there, on the call of the Empress, and was uncertain where he should be employed the next campaign. Mr. Littlepage has returned from the Black Sea to Warsaw, where he has been perfectly received by the King. I saw this from under the King's own hand, and was pleased with the parental expressions towards him.

We have no news from America later than the middle of January. My letters inform me that even the friends of the new Constitution have come over to the expediency of adding a declaration of rights. There is reason to hope that this will

be proposed by Congress to the several legislatures, and that the plan of New York for calling a new convention, will be rejected. Hitherto no State had acceded to it but Virginia, in which Henry and anti-federalism had got full possession of their legislature. But the people are better disposed. My departure for America is likely to be retarded, by the want of a Congress to give me permission. I must obtain it from the new government. I am anxious to know how much we ought to believe of the recovery of the King of England. By putting little facts together, I see that he is not well. Mr. Rumsey (who came in while I was writing the preceding page) tells me you have a long letter ready for me. I shall be happy to receive it.

I am, with great and sincere attachment, dear Sir, your affectionate friend and servant.

TO COLONEL HUMPHREYS.

PARIS, March 18, 1789.

DEAR SIR,—Your favor of November the 29th, 1788, came to hand the last month. How it happened that mine of August, 1787, was fourteen months on its way, is inconceivable. I do not recollect by what conveyance I sent it. I had concluded, however, either that it had miscarried, or that you had become indolent, as most of our countrymen are, in matters of correspondence.

The change in this country since you left it, is such as you can form no idea of. The frivolities of conversation have given way entirely to politics. Men, women and children talk nothing else; and all, you know, talk a great deal. The press groans with daily productions, which, in point of boldness, makes an Englishman stare, who hitherto has thought himself the boldest of men. A complete revolution in this government has, within the space of two years, (for it began with the Notables of 1787,) been effected merely by the force of public opinion, aided, indeed, by the want of money, which the dissipations of the court

had brought on. And this revolution has not cost a single life, unless we charge to it a little riot lately in Bretagne, which began about the price of bread, became afterwards political, and ended in the loss of four or five lives. The assembly of the States General begins the 27th of April. The representation of the people will be perfect. But they will be alloyed by an equal number of nobility and clergy. The first great question they will have to decide will be, whether they shall vote by orders or persons. And I have hopes that the majority of the Nobles are already disposed to join the Tiers Etat, in deciding that the vote shall be by persons. This is the opinion *a la mode* at present, and mode has acted a wonderful part in the present instance. All the handsome young women, for example, are for the Tiers Etat, and this is an army more powerful in France, than the two hundred thousand men of the King. Add to this, that the court itself is for the Tiers Etat, as the only agent which can relieve their wants; not by giving money themselves, (they are squeezed to the last drop,) but by pressing it from the non-contributing orders. The King stands engaged to pretend no more to the power of laying, continuing or appropriating taxes; to call the States General periodically; to submit *lettres de cachet* to legal restrictions; to consent to freedom of the press; and that all this shall be fixed by a fundamental constitution, which shall bind his successors. He has not offered a participation in the legislature, but it will surely be insisted on. The public mind is so ripened on all these subjects, that there seems to be now but one opinion. The clergy, indeed, think separately, and the old men among the Nobles; but their voice is suppressed by the general one of the nation. The writings published on this occasion are, some of them, very valuable; because, unfettered by the prejudices under which the English labor, they give a full scope to reason, and strike out truths, as yet unperceived and unacknowledged on the other side the channel. An Englishman, dosing under a kind of half reformation, is not excited to think by such gross absurdities as stare a Frenchman in the face, wherever he looks, whether it be towards the throne or the altar. In fine, I

believe this nation will, in the course of the present year, have as full a portion of liberty dealt out to them, as the nation can bear at present, considering how uninformed the mass of their people is. This circumstance will prevent the immediate establishment of the trial by jury. The palsied state of the executive in England is a fortunate circumstance for France, as it will give her time to arrange her affairs internally. The consolidation and funding their debts, will give government a credit which will enable them to do what they please. For the present year, the war will be confined to the two empires and Denmark, against Turkey and Sweden. It is not yet evident whether Prussia will be engaged. If the disturbances of Poland break out into overt acts, it will be a power divided in itself, and so of no weight. Perhaps, by the next year, England and France may be ready to take the field. It will depend on the former principally; for the latter, though she may be then able, must wish a little time to see her new arrangements well under way. The English papers and English ministry say the King is well. He is better but not well; no malady requires a longer time to insure against its return, than insanity. Time alone can distinguish accidental insanity from habitual lunacy.

The operations which have taken place in America lately, fill me with pleasure. In the first place, they realize the confidence I had, that whenever our affairs go obviously wrong, the good sense of the people will interpose, and set them to rights. The example of changing a constitution, by assembling the wise men of the State, instead of assembling armies, will be worth as much to the world as the former examples we had given them. The Constitution, too, which was the result of our deliberations, is unquestionably the wisest ever yet presented to men, and some of the accommodations of interest which it has adopted, are greatly pleasing to me, who have before had occasions of seeing how difficult those interests were to accommodate. A general concurrence of opinion seems to authorize us to say, it has some defects. I am one of those who think it a defect, that the important rights, not placed in security by the frame of the Constitu-

tion itself, were not explicitly secured by a supplementary declaration. There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. These are the rights of thinking, and publishing our thoughts by speaking or writing; the right of free commerce; the right of personal freedom. There are instruments for administering the government, so peculiarly trust-worthy, that we should never leave the legislature at liberty to change them. The new Constitution has secured these in the executive and legislative department; but not in the judiciary. It should have established trials by the people themselves, that is to say, by jury. There are instruments so dangerous to the rights of the nation, and which place them so totally at the mercy of their governors, that those governors, whether legislative or executive, should be restrained from keeping such instruments on foot, but in well-defined cases. Such an instrument is a standing army. We are now allowed to say, such a declaration of rights, as a supplement to the constitution where that is silent, is wanting, to secure us in these points. The general voice has legitimated this objection. It has not, however, authorized me to consider as a real defect, what I thought and still think one, the perpetual re-eligibility of the President. But three States out of eleven, having declared against this, we must suppose we are wrong, according to the fundamental law of every society, the *lex majoris partis*, to which we are bound to submit. And should the majority change their opinion, and become sensible that this trait in their Constitution is wrong, I would wish it to remain uncorrected, as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character, I consider as peculiarly necessary to get the government so under way, as that it may afterwards be carried on by subordinate characters.

I must give you sincere thanks, for the details of small news contained in your letter. You know how precious that kind of information is to a person absent from his country, and how difficult it is to be procured. I hope to receive soon permission to

visit America this summer, and to possess myself anew, by conversation with my countrymen, of their spirit and their ideas. I know only the Americans of the year 1784. They tell me this is to be much a stranger to those of 1789. This renewal of acquaintance is no indifferent matter to one, acting at such a distance, as that instructions cannot be received hot and hot. One of my pleasures, too, will be that of talking over the old and new with you. In the meantime, and at all times, I have the honor to be, with great and sincere esteem, dear Sir, your friend and servant.

TO DOCTOR WILLARD.

PARIS, March 24, 1789.

SIR,—I have been lately honored with your letter of September the 24th, 1788, accompanied by a diploma for a Doctorate of Laws, which the University of Harvard has been pleased to confer on me. Conscious how little I merit it, I am the more sensible of their goodness and indulgence to a stranger, who has had no means of serving or making himself known to them. I beg you to return them my grateful thanks, and to assure them that this notice from so eminent a seat of science, is very precious to me.

The most remarkable publications we have had in France, for a year or two past, are the following: 'Les Voyages d'Anacharsis par l'Abbé Barthelemi," seven volumes, octavo. This is a very elegant digest of whatever is known of the Greeks; useless, indeed, to him who has read the original authors, but very proper for one who reads modern languages only. The works of the King of Prussia. The Berlin edition is in sixteen volumes, octavo. It is said to have been gutted at Berlin; and here it has been still more mangled. There are one or two other editions published abroad, which pretend to have rectified the maltreatment both of Berlin and Paris. Some time will be necessary to settle the public mind, as to the best edition.

Montignot has given us the original Greek, and a French

translation of the seventh book of Ptolemy's great work, under the title of " Etat des Etoiles fixes au second Siecle," in quarto. He has given the designation of the same stars by Flamstead and Beyer, and their position in the year 1786. A very remarkable work is the " Mechanique Analytique," of Le Grange, in quarto. He is allowed to be the greatest mathematician now living, and his personal worth is equal to his science. The object of his work is to reduce all the principles of mechanics to the single one of the equilibrium, and to give a simple formula applicable to them all. The subject is treated in the algebraic method, without diagrams to assist the conception. My present occupations not permitting me to read anything which requires a long and undisturbed attention, I am not able to give you the character of this work from my own examination. It has been received with great approbation in Europe. In Italy, the works of Spallanzani on Digestion and Generation, are valuable. Though, perhaps, too minute, and therefore tedious, he has developed some useful truths, and his book is well worth attention; it is in four volumes, octavo. Clavigaro, an Italian also, who has resided thirty-six years in Mexico, has given us a history of that country, which certainly merits more respect than any other work on the same subject. He corrects many errors of Dr. Robertson; and though sound philosophy will disapprove many of his ideas, we may still consider it as an useful work, and assuredly the best we possess on the same subject. It is in four thin volumes, small quarto. De La Lande has not yet published a fifth volume.

The chemical dispute about the conversion and reconversion of air and water, continues still undecided. Arguments and authorities are so balanced, that we may still safely believe, as our fathers did before us, that these principles are distinct. A schism of another kind, has taken place among the chemists. A particular set of them here, have undertaken to remodel all the terms of the science, and to give to every substance a new name, the composition, and especially the termination of which, shall define the relation in which it stands to other substances of the same

family. But the science seems too much in its infancy as yet, for this reformation; because, in fact, the reformation of this year must be reformed again the next year, and so on, changing the names of substances as often as new experiments develop properties in them undiscovered before. The new nomenclature has, accordingly, been already proved to need numerous and important reformations. Probably it will not prevail. It is espoused by the minority only here, and by very few, indeed, of the foreign chemists. It is particularly rejected in England.

In the arts, I think two of our countrymen have presented the most important inventions. Mr. Paine, the author of "Common Sense," has invented an iron bridge, which promises to be cheaper by a great deal than stone, and to admit of a much greater arch. He supposes it may be ventured for an arch of five hundred feet. He has obtained a patent for it in England, and is now executing the first experiment with an arch of between ninety and one hundred feet. Mr. Rumsey has also obtained a patent for his navigation by the force of steam, in England, and is soliciting a similar one here. His principal merit is in the improvement of the boiler, and, instead of the complicated machinery of oars and paddles, proposed by others, the substitution of so simple a thing as the reaction of a stream of water on his vessel. He is building a sea vessel at this time in England, and she will be ready for an experiment in May. He has suggested a great number of mechanical improvements in a variety of branches; and upon the whole, is the most original and the greatest mechanical genius I have ever seen. The return of La Peyrouse (whenever that shall happen) will probably add to our knowledge in Geography, Botany, and Natural History. What a field have we at our doors to signalize ourselves in! The Botany of America is far from being exhausted, its Mineralogy is untouched, and its Natural History or Zoology, totally mistaken and misrepresented. As far as I have seen, there is not one single species of terrestrial birds common to Europe and America, and I question if there be a single species of quadrupeds. (Domestic animals are to be excepted.) It is for such in-

stitutions as that over which you preside so worthily, Sir, to do justice to our country, its productions and its genius. It is the work to which the young men, whom you are forming, should lay their hands. We have spent the prime of our lives in procuring them the precious blessing of liberty. Let them spend theirs in showing that it is the great parent of *science* and of virtue; and that a nation will be great in both, always in proportion as it is free. Nobody wishes more warmly for the success of your good exhortations on this subject, than he who has the honor to be, with sentiments of great esteem and respect, Sir, your most obedient humble servant.

TO J. SARSFIELD.

PARIS, April 3. 1789.

SIR,—I could not name to you the day of my departure from Paris, because I do not know it. I have not yet received my congé, though I hope to receive it soon, and to leave this some time in May, so that I may be back before the winter.

Impost is a duty paid on any imported article, in the *moment of its importation*, and of course it is collected in the seaports only. *Excise* is a duty on any article, whether imported or raised at home, and paid in the *hands of the consumer or retailer;* consequently, it is collected through the whole country. These are the true definitions of these words as used in England, and in the greater part of the United States. But in Massachusetts, they have perverted the word excise to mean a tax on all liquors, whether paid in the moment of importation or at a later moment, and on nothing else. So that in reading the debates of the Massachusetts convention, you must give this last meaning to the word excise.

Rotation is the change of officers required by the laws at certain epochs, and *in a certain order:* thus, in Virginia, our justices of the peace are made sheriffs one after the other, each remaining in office two years, and then yielding it to his next brother

in order of seniority. This is the just and classical meaning of the word. But in America, we have extended it (for want of a proper word) to all cases of officers who must be necessarily changed at a fixed epoch, though the successor be not pointed out in any particular order, but comes in by free election. By the term *rotation in office*, then we mean *an obligation on the holder of that office to go out at a certain period.* In our first Confederation, the principle of rotation was established in the office of President of Congress, who could serve but one year in three, and in that of a member of Congress, who could serve but three years in six.

I believe all the countries in Europe determine their standard of money in gold as well as silver. Thus, the laws of England direct that a pound Troy of gold, of twenty-two carats fine, shall be cut into forty-four and a half guineas, each of which shall be worth twenty-one and a half shillings, that is, into 956 3-4 shillings. This establishes the shilling at 5.518 grains of *pure* gold. They direct that a pound of silver, consisting of 11 1-10 ounces of pure silver and 9-10 of an ounce alloy, shall be cut into sixty-two shillings. This establishes the shilling at 85.93 grains of pure silver, and, consequently, the proportion of gold to silver as 85.93 to 5.518, or as 15.57 to 1. If this be the true proportion between the value of gold and silver at the general market of Europe, then the value of the shilling, depending on two standards, is the same, whether a payment be made in gold or in silver. But if the proportion of the general market at Europe be as fifteen to one, then the Englishman who owes a pound weight of gold at Amsterdam, if he sends the pound of gold to pay it, sends 1043.72 shillings; if he sends fifteen pounds of silver, he sends only 1030.5 shillings; if he pays half in gold and half in silver, he pays only 1037.11 shillings. And this medium between the two standards of gold and silver, we must consider as furnishing the true medium value of the shilling. If the parliament should now order the pound of gold (of one-twelfth alloy as before) to be put into a thousand shillings instead of nine hundred and fifty-six and three-fourths, leaving the silver as it

is, the medium or true value of the shilling would suffer a change of half the difference; and in the case before stated, to pay a debt of a pound weight of gold, at Amsterdam, if he sent the pound weight of gold, he would send 1090.9 shillings; if he sent fifteen pounds of silver, he would send 1030.5 shillings; if half in gold and half in silver, he would send 1060.7 shillings; which shows that this parliamentary operation would reduce the value of the shilling in the proportion of 1060.7 to 1037.11.

Now this is exactly the effect of the late change in the quantity of gold contained in your louis. Your *marc d'argent fin* is cut into 53.45 livres (fifty-three livres and nine sous), the *marc de l'or fin* was cut, heretofore, by law, into 784.6 livres (seven hundred and eighty-four livres and twelve sous); gold was to silver then as 14.63 to 1. And if this was different from the proportion at the markets of Europe, the true value of your livre stood half way between the two standards. By the ordinance of October the 30th, 1785, the *marc* of pure gold has been cut into 828.6 livres. If your standard had been in gold alone, this would have reduced the value of your livre in the proportion of 828.6 to 784.6. But as you had a standard of silver as well as gold, the true standard is the medium between the two; consequently the value of the livre is reduced only one-half the difference, that is, as 806.6 to 784.6, which is very nearly three per cent. Commerce, however, has made a difference of four per cent., the average value of the pound sterling, formerly twenty-four livres, being now twenty-five livres. Perhaps some other circumstance has occasioned an addition of one per cent. to the change of your standard.

I fear I have tired you by these details. I did not mean to be so lengthy when I began. I beg you to consider them as an appeal to your judgment, which I value, and from which I will expect a correction, if they are wrong.

I have the honor to be, with very great esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO THE MARQUIS DE LA FAYETTE

PARIS, May 6, 1789.

MY DEAR FRIEND,—As it becomes more and more possible that the Noblesse will go wrong, I become uneasy for you. Your principles are decidedly with the Tiers Etat, and your instructions against them. A complaisance to the latter on some occasions, and an adherence to the former on others, may give an appearance of trimming between the two parties, which may lose you both. You will, in the end, go over wholly to the Tiers Etat, because it will be impossible for you to live in a constant sacrifice of your own sentiments to the prejudices of the Noblesse. But you would be received by the Tiers Etat at any future day, coldly, and without confidence. This appears to me the moment to take at once that honest and manly stand with them which your own principles dictate. This will win their hearts forever, be approved by the world, which marks and honors you as the man of the people, and will be an eternal consolation to yourself. The Noblesse, and especially the Noblesse of Auvergne, will always prefer men who will do their dirty work for them. You are not made for that. They will therefore soon drop you, and the people, in that case, will perhaps not take you up. Suppose a scission should take place. The Priests and Nobles will secede, the nation will remain in place, and, with the King, will do its own business. If violence should be attempted, where will you be? You cannot then take side with the people in opposition to your own vote, that very vote which will have helped to produce the scission. Still less can you array yourself against the people. That is impossible. Your instructions are indeed a difficulty. But to state this at its worst it is only a single difficulty, which a single effort surmounts. Your instructions can never embarrass you a second time, whereas an acquiescence under them will reproduce greater difficulties every day, and without end. Besides, a thousand circumstances offer as many justifications of your departure from your instructions. Will it be impossible to persuade all parties that (as for

good legislation two Houses are necessary) the placing the privileged classes together in one House, and the unprivileged in another, would be better for both than a scission? I own, I think it would. People can never agree without some sacrifices; and it appears but a moderate sacrifice in each party, to meet on this middle ground. The attempt to bring this about might satisfy your instructions, and a failure in it would justify your siding with the people, even to those who think instructions are laws of conduct. Forgive me, my dear friend, if my anxiety for you makes me talk of things I know nothing about. You must not consider this as advice. I know you and myself too well to presume to offer advice. Receive it merely as the expression of my uneasiness, and the effusion of that sincere friendship with which I am, my dear Sir, yours affectionately.

TO WILLIAM CARMICHAEL.

PARIS, May 8, 1789.

DEAR SIR,—Your favor of January the 26th, to March the 27th, is duly received, and I thank you for the interesting papers it contained. The answer of Don Ulloa, however, on the subject of the canal through the American isthmus, was not among them, though mentioned to be so. If you have omitted it through accident, I shall thank you for it at some future occasion, as I wish much to understand that subject thoroughly. Our American information comes down to the 16th of March. There had not yet been members enough assembled of the new Congress to open the tickets. They expected to do it in a day or two. In the meantime, it was said from all the States, that their vote had been unanimous for General Washington, and a good majority in favor of Mr. Adams, who is certainly, therefore, Vice President. The new government would be supported by very cordial and very general dispositions in its favor from the people. I have not yet seen a list of the new Congress. This delay in the meeting of the new government, has delayed the

determination on my petition for leave of absence. However, I expect to receive it every day, and am in readiness to sail the instant I receive it, so that this is probably the last letter I shall write you hence till my return. While there, I shall avail government of the useful information I have received from you, and shall not fail to profit of any good occasion which may occur, to show the difference between your real situation and what it ought to be. I consider Paris and Madrid as the only two points at which Europe and America should touch closely, and that a connection at these points should be fostered.

We have had, in this city, a very considerable riot, in which about one hundred people have been probably killed. It was the most unprovoked, and is, therefore, justly, the most unpitied catastrophe of that kind I ever knew. Nor did the wretches know what they wanted, except to do mischief. It seems to have had no particular connection with the great national question now in agitation. The want of bread is very seriously dreaded through the whole kingdom. Between twenty and thirty ship loads of wheat and flour has already arrived from the United States, and there will be about the same quantity of rice sent from Charleston to this country directly, of which about half has arrived. I presume that between wheat and rice, one hundred ship loads may be counted on in the whole from us. Paris consumes about a ship load a day (say two hundred and fifty tons). The total supply of the West Indies for this year, rests with us, and there is almost a famine in Canada and Nova Scotia. The States General were opened the day before yesterday. Viewing it as an opera, it was imposing; as a scene of business, the King's speech was exactly what it should have been, and very well delivered; not a word of the Chancellor's was heard by anybody, so that, as yet, I have never heard a single guess at what it was about. Mr. Neckar's was as good as such a number of details would permit it to be. The picture of their resources was consoling, and generally plausible. I could have wished him to have dwelt more on those great constitutional reformations, which his "Rapport au roy" had prepared us to ex-

pect. But they observe, that these points were proper for the speech of the Chancellor. We are in hopes, therefore, they were in that speech, which, like the Revelations of St. John, were no revelations at all. The Noblesse, on coming together, show that they are not as much reformed in their principles as we had hoped they would be. In fact, there is real danger of their totally refusing to vote by persons. Some found hopes on the lower clergy, which constitute four-fifths of the deputies of that order. If they do not turn the balance in favor of the Tiers Etat, there is real danger of a scission. But I shall not consider even that event as rendering things desperate. If the King will do business with the Tiers Etat, which constitutes the nation, it may be well done without Priests or Nobles. From the best information I can obtain, the King of England's madness has terminated in an imbecility, which may very possibly be of long continuance. He is going with his Queen to Germany. England chained to rest, the other parts of Europe may recover or retain tranquillity.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MR. LITTLEPAGE.

PARIS, May 8, 1789.

DEAR SIR,—Your favor of February 12th has been duly received, and in exchange for its information, I shall give you that which you desire relative to American affairs. Those of Europe you can learn from other sources. All our States acceded unconditionally to the new Constitution, except North Carolina and Rhode Island The latter rejects it in toto. North Carolina neither rejected nor received it, but asked certain amendments before it should receive it. Her amendments concur with those asked by Virginia, New York and Massachusetts, and consist chiefly in a declaration of rights. Even the warmest friends to the new form begin to be sensible it wants the security, and it is pretty generally agreed that a declaration of rights shall be added.

New York and Virginia, though they have acceded to this government, are less contented with it than the others. In New York, it is the effect of the intrigues and influence of Governor Clinton, who it is hoped will be exchanged for a Judge Yates. In Virginia, it is perhaps the apprehension that the new government will oblige them to pay their debts. Our letters are as late as the 16th of March. There were not yet members enough of the new Congress assembled to open the tickets. It was expected there would be in two or three days. Information, however, from all the States, gave reason to be satisfied that General Washington was elected unanimously, and Mr. John Adams by a sufficient plurality to ensure his being the Vice President. The elections to Congress had been almost entirely in favor of persons well-disposed to the new government, which proves the mass of the people in its favor. In general, there are the most favorable dispositions to support it, and those heretofore disheartened, now write in great confidence of our affairs. That spirit of luxury which sprung up at the peace, has given place to a laudable economy. Home manufactures are encouraged, and the balance last year was greatly on the side of exportation. The settlement of the Western country has gone on with astonishing rapidity. A late unaccountable event may slacken by scattering it. Spain has granted the exclusive navigation of the Mississippi, with a large tract of country on the western side of the river, to Col. Morgan of New Jersey, to whom great numbers of settlers are flocking over from Kentucky. While this measure weakens somewhat the United States for the present, it begins our possession of that country considerably sooner than I had expected, and without a struggle till no struggle can be made. Great crops of corn last year in the United States, and a great demand for it in British and French America, and in Europe. Remarkable deaths are, Gen. Nelson, and John Bannisters, father and son. I expect every day to receive a leave of absence for six months, and shall sail within a week after receiving it. I hope to be back before winter sets in. I have the honor to be, with very great esteem, dear Sir, your most obedient humble servant.

TO JOHN JAY.

PARIS, May 9, 1789.

SIR,—Since my letter of March the 1st, by the way of Havre, and those of March the 12th and 15th, by the way of London, no opportunity of writing has occurred, till the present to London.

There are no symptoms of accommodation between the Turks and two empires, nor between Russia and Sweden. The Emperor was, on the 16th of the last month, expected to die, certainly; he was, however, a little better when the last news came away, so that hopes were entertained of him; but it is agreed that he cannot get the better of his complaints ultimately, so that his life is not at all counted on. The Danes profess, as yet, to do no more against Sweden than furnish their stipulated aid. The agitation of Poland is still violent, though somewhat moderated by the late change in the demeanor of the King of Prussia. He is much less thrasonic than he was. This is imputed to the turn which the English politics may be rationally expected to take. It is very difficult to get at the true state of the British King; but from the best information we can get, his madness has gone off, but he is left in a state of imbecility and melancholy. They are going to carry him to Hanover, to see whether such a journey may relieve him. The Queen accompanies him. If England should, by this accident, be reduced to inactivity, the southern countries of Europe may escape the present war. Upon the whole, the prospect for the present year, if no unforeseen accident happens, is, certain peace for the powers not already engaged, a probability that Denmark will not become a principal, and a mere possibility that Sweden and Russia may be accommodated. The interior disputes of Sweden are so exactly detailed in the Leyden gazette, that I have nothing to add on that subject.

The revolution of this country has advanced thus far, without encountering anything which deserves to be called a difficulty. There have been riots in a few instances, in three or four differ-

ent places, in which there may have been a dozen or twenty lives lost. The exact truth is not to be got at. A few days ago, a much more serious riot took place in this city, in which it became necessary for the troops to engage in regular action with the mob, and probably about one hundred of the latter were killed. Accounts vary from twenty to two hundred. They were the most abandoned banditti of Paris, and never was a riot more unprovoked and unpitied. They began, under a pretence that a paper manufacturer had proposed in an assembly to reduce their wages to fifteen sous a day. They rifled his house, destroyed everything in his magazines and shops, and were only stopped in their career of mischief by the carnage above mentioned. Neither this nor any other of the riots, have had a professed connection with the great national reformation going on. They are such as have happened every year since I have been here, and as will continue to be produced by common incidents. The States General were opened on the 4th instant, by a speech from the throne, one by the Garde des Sceaux, and one from Mr. Neckar. I hope they will be printed in time to send you herewith: lest they should not, I will observe, that that of Mr. Neckar stated the real and ordinary deficit to be fifty-six millions, and that he showed that this could be made up without a new tax, by economies and bonifications which he specified. Several articles of the latter are liable to the objection, that they are proposed on branches of the revenue, of which the nation has demanded a suppression. He tripped too lightly over the great articles of constitutional reformation, these being not as clearly enounced in this discourse as they were in his "Rapport au roy," which I sent you some time ago. On the whole, his discourse has not satisfied the patriotic party. It is now, for the first time, that their revolution is likely to receive a serious check, and begins to wear a fearful appearance. The progress of light and liberality in the order of the Noblesse, has equalled expectation in Paris only and its vicinities. The great mass of deputies of that order, which come from the country, show that the habits of tyranny over the people are deeply rooted in them. They

will consent, indeed, to equal taxation; but five-sixths of that chamber are thought to be, decidedly, for voting by orders; so that, had this great preliminary question rested on this body, which formed heretofore the sole hope, that hope would have been completely disappointed. Some aid, however, comes in from a quarter whence none was expected. It was imagined the ecclesiastical elections would have been generally in favor of the higher clergy; on the contrary, the lower clergy have obtained five-sixths of these deputations. These are the sons of peasants, who have done all the drudgery of the service for ten, twenty and thirty guineas a year, and whose oppressions and penury, contrasted with the pride and luxury of the higher clergy, have rendered them perfectly disposed to humble the latter. They have done it, in many instances, with a boldness they were thought insusceptible of. Great hopes have been formed, that these would concur with the Tiers Etat in voting by persons. In fact, about half of them seem as yet so disposed; but the bishops are intriguing, and drawing them over with the address which has ever marked ecclesiastical intrigue. The deputies of the Tiers Etat seem, almost to a man, inflexibly determined against the vote by orders. This is the state of parties, as well as can be judged from conversation only, during the fortnight they have been now together. But as no business has been yet begun, no votes as yet taken, this calculation cannot be considered as sure. A middle proposition is talked of, to form the two privileged orders into one chamber. It is thought more possible to bring them into it than the Tiers Etat. Another proposition is, to distinguish questions, referring those of certain descriptions to a vote by persons, others to a vote by orders. This seems to admit of endless altercation, and the Tiers Etat manifest no respect for that, or any other modification whatever. Were this single question accommodated, I am of opinion, there would not occur the least difficulty in the great and essential points of constitutional reformation. But on this preliminary question the parties are so irreconcilable, that it is impossible to foresee what issue it will have. The Tiers Etat, as constituting the nation, may propose

to do the business of the nation, either with or without the minorities in the Houses of Clergy and Nobles which side with them. In that case, if the King should agree to it, the majorities in those two Houses would secede, and might resist the tax gatherers. This would bring on a civil war. On the other hand, the privileged orders, offering to submit to equal taxation, may propose to the King to continue the government in its former train, resuming to himself the power of taxation. Here, the tax gatherers might be resisted by the people. In fine, it is but too possible, that between parties so animated, the King may incline the balance as he pleases. Happy that he is an honest, unambitious man, who desires neither money or power for himself; and that his most operative minister, though he has appeared to trim a little, is still, in the main, a friend to public liberty.

I mentioned to you in a former letter, the construction which our bankers at Amsterdam had put on the resolution of Congress, appropriating the last Dutch loan, by which the money for our captives would not be furnished till the end of the year 1790. Orders from the board of treasury have now settled this question. The interest of the next month is to be first paid, and after that, the money for the captives and foreign officers is to be furnished, before any other payment of interest. This insures it when the next February interest becomes payable. My representations to them, on account of the contracts I had entered into for making the medals, have produced from them the money of that object, which is lodged in the hands of Mr. Grand.

Mr. Neckar, in his discourse, proposes among his bonifications of revenue, the suppressions of our two free ports of Bayonne and L'Orient, which, he says, occasion a loss of six hundred thousand livres annually, to the crown, by contraband. (The speech being not yet printed, I state this only as it struck my ear when he delivered it. If I have mistaken it, I beg you to receive this as my apology, and to consider what follows as written on that idea only.) I have never been able to see that these free ports were worth one copper to us. To Bayonne our trade never went, and it is leaving

L'Orient. Besides, the right of entrepôt is a perfect substitute for the right of free port. The latter is a little less troublesome only, to the merchants and captains. I should think, therefore, that a thing so useless to us and prejudicial to them might be relinquished by us, on the common principles of friendship. I know the merchants of these ports will make a clamor, because the franchise covers their contraband with all the world. Has Monsieur de Moustier said anything to you on this subject? It has never been mentioned to me. If not mentioned in either way, it is rather an indecent proceeding, considering that this right of free port is founded in treaty. I shall ask of M. de Montmorin, on the first occasion, whether he has communicated this to you through his ministry; and if he has not, I will endeavor to notice the infraction to him in such a manner, as neither to reclaim nor abandon the right of free port, but leave our government free to do either.

The gazettes of France and Leyden, as usual, will accompany this. I am in hourly expectation of receiving from you my leave of absence, and keep my affairs so arranged, that I can leave Paris within eight days after receiving the permission. I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO GENERAL WASHINGTON.

PARIS, May 10, 1789.

SIR,—I am now to acknowledge the honor of your two letters of Nov. the 27th and Feb. the 13th, both of which have come to hand since my last to you of Dec. the 4th and 5th. The details you are so good as to give me on the subject of the navigation of the waters of the Potomac and Ohio, are very pleasing to me, as I consider the union of these two rivers, as among the strongest links of connection between the eastern and western sides of our confederacy. It will, moreover, add to the commerce of Virginia, in particular, all the upper parts of the Ohio and its

waters. Another vast object, and of much less difficulty, is to add, also, all the country on the lakes and their waters. This would enlarge our field immensely, and would certainly be effected by an union of the upper waters of the Ohio and lake Erie. The Big Beaver and Cayahoga offer the most direct line, and according to information I received from General Hand, and which I had the honor of writing you in the year 1783, the streams in that neighborhood head in lagoons, and the country is flat. With respect to the doubts which you say are entertained by some, whether the upper waters of Potomac can be rendered capable of navigation on account of the falls and rugged banks, they are answered, by observing, that it is reduced to a maxim, that whenever there is water enough to float a batteau, there may be navigation for a batteau. Canals and locks may be necessary, and they are expensive; but I hardly know what expense would be too great, for the object in question. Probably, negotiations with the Indians, perhaps even settlement, must precede the execution of the Cayaohga canal. The States of Marylahd and Virginia should make a common object of it. The navigation, again, between Elizabeth River and the Sound, is of vast importance, and in my opinion, it is much better that these should be done at public than private expense.

Though we have not heard of the actual opening of the new Congress, and consequently, have not official information of your election as President of the United States, yet, as there never could be a doubt entertained of it, permit me to express here my felicitations, not to yourself, but to my country. Nobody who has tried both public and private life, can doubt but that you were much happier on the banks of the Potomac than you will be at New York. But there was nobody so well qualified as yourself, to put our new machine into a regular course of action; nobody, the authority of whose name could have so effectually crushed opposition at home, and produced respect abroad. I am sensible of the immensity of the sacrifice on your part. Your measure of fame was full to the brim; and, therefore, you have nothing to gain. But there are cases wherein it is a duty to risk all against

nothing, and I believe this was exactly the case. We may presume, too, according to every rule of probability, that after doing a great deal of good, you will be found to have lost nothing but private repose.

In a letter to Mr. Jay, of the 19th of Nov., I asked a leave of absence to carry my children back to their own country, and to settle various matters of a private nature, which were left unsettled, because I had no idea of being absent so long. I expected that letter would have been received in time to be decided on by the Government then existing. I know now that it would arrive when there was no Congress, and consequently, that it must have awaited your arrival at New York. I hope you found the request not an unreasonable one. I am excessively anxious to receive the permission without delay, that I may be able to get back before the winter sets in. Nothing can be so dreadful to me, as to be shivering at sea for two or three months in a winter passage. Besides, there has never been a moment at which the presence of a minister here could be so well dispensed with, from certainty of no war this summer, and that the government will be so totally absorbed in domestic arrangements, as to attend to nothing exterior. Mr. Jay will, of course, communicate to you some ciphered letters lately written, and one of this date. My public letter to him contains all the interesting public details. I enclose with the present, some extracts of a letter from Mr. Paine, which he desired me to communicate; your knowledge of the writer will justify my giving you the trouble of these communications, which their interesting nature and his respectability, will jointly recommend to notice. I am in great pain for the Marquis de La Fayette. His principles, you know, are clearly with the people; but having been elected for the Noblesse of Auvergne, they have laid him under express instructions, to vote for the decision by orders and not persons. This would ruin him with the Tiers Etat, and it is not possible he could continue long to give satisfaction to the Noblesse. I have not hesitated to press on him to burn his instructions, and follow his conscience as the only sure clue, which will eternally guide a man clear of all doubts and inconsistencies. If

he cannot effect a conciliatory plan, he will surely take his stand manfully at once, with the Tiers Etat. He will in that case be what he pleases with them, and I am in hopes that base is now too solid to render it dangerous to be mounted on it. In hopes of being able in the course of the summer, to pay my respects to you personally, in New York, I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

[*Extract of the letter from Thomas Paine, referred to in the preceding, to General Washington.*]

"London, March the 12th, 1789. I do not think it is worth while for Congress to appoint any minister at this court. The greater distance Congress observes on this point, the better. It will be all money thrown away, to go to any expense about it, at least during the present reign. I know the nation well, and the line of acquaintance I am in, enables me to judge better on this matter than any other American can judge, especially at a distance. I believe I am not so much in the good graces of the Marquis of Lansdowne as I used to be. I do not answer his purpose. He was always talking of a sort of re-connection of England and America, and my coldness and reserve on this subject checked communication. I believe he would be a good minister for England, with respect to a better agreement with France."

(Same letter continued) "April 10. The acts for regulating the trade with America are to be continued as last year. A paper from the Privy Council respecting the American fly, is before parliament. I had some conversation with Sir Joseph Banks upon this subject, as he was the person whom the Privy Council referred to. I told him that the Hessian fly attacked only the green plant, and did not exist in the dry grain. He said, that with respect to the Hessian fly, they had no apprehension, but it was the weavil they alluded to. I told him the weavil had always, more or less, been in the wheat countries of America, and that if the prohibition was on that account, it was as necessary

fifty or sixty years as now; that I believed it was only a political maneuvre of the ministry to please the landed interest, as a balance for prohibiting the exportation of wool, to please the manufacturing interest. He did not reply, and as we are on very sociable terms, I went farther, by saying, the English ought not to complain of the non-payment of debts from America, while they prohibit the means of payment. I suggest to you a thought on this subject. The debts due before the war ought to be distinguished from the debts contracted since, and all and every mode of payment and remittance under which they might have been discharged at the time they were contracted, ought to accompany those debts so long as any of them shall continue unpaid, because the circumstances of payment became united with the debt, and cannot be separated by subsequent acts of one side only. If this was taken up in America, and insisted on as a right coëval with and inseparable from those debts, it would force some of the restrictions here to give way. While writing this, I am informed that the minister has had a conference with some of the American creditors, and proposed to them to assume the debts, and give them ten shillings in the pound. The conjecture is, that he means, when the new Congress is established, to demand the payment. If you are writing to General Washington, it may not be amiss to mention this, and if I hear further on this matter, I will inform you. But as, being a money matter, it cannot come forward but through parliament, there will be notice given of the business. This would be a proper time to show, that the British acts since the peace militate against the payment, by narrowing the means by which those debts might have been paid when they were contracted, and which ought to be considered as constituent parts of the contract."

TO JAMES MADISON.

PARIS, MAY 11, 1789.

DEAR SIR,—My last to you was of the 15th of March. I am now in hourly expectation of receiving my leave of absence.

The delay of it a little longer, will endanger the throwing my return into the winter, the very idea of which is horror itself to me. I am in hopes this is the last letter I shall have the pleasure of writing to you, before my departure.

The madness of the King of England has gone off, but left him in a state of imbecility and melancholy. They talk of carrying him to Hanover. If they do, it will be a proof he does not mend, and that they take that measure, to authorize them to establish a regency. But if he grows better, they will perhaps keep him at home, to avoid the question, who shall be regent? As that country cannot be relied on in the present state of its executive, the King of Prussia has become more moderate; he throws cold water on the fermentation he had excited in Poland. The King of Sweden will act as nobody, not even himself, can foresee; because he acts from the caprice of the moment, and because the discontents of his army and nobles may throw him under internal difficulties, while struggling with external ones. Denmark will probably only furnish its stipulated aid to Russia. France is fully occupied with internal arrangement. So that, on the whole, the prospect of this summer is, that the war will continue between the powers actually engaged in the close of the last campaign, and extend to no others; certainly, it will not extend, this year, to the southern States of Europe. The revolution of France has gone on with the most unexampled success, hitherto. There have been some mobs, occasioned by the want of bread, in different parts of the kingdom, in which there may have been some lives lost; perhaps a dozen or twenty. These had no professed connection, *generally*, with the constitutional revolution. A more serious riot happened lately in Paris, in which about one hundred of the mob were killed. This execution has been universally approved, as they seemed to have no view but mischief and plunder. But the meeting of the States General presents serious difficulties, which it had been hoped the progress of reason would have enabled them to get over. The nobility of and about Paris, have come over, as was expected, to the side of the people, in the great question of voting by persons

or orders. This had induced a presumption that those of the country were making the same progress, and these form the great mass of the deputies of that order. But they are found to be where they were centuries ago, as to their disposition to keep distinct from the people, and even to tyrannize over them. They agree, indeed, to abandon their pecuniary privileges. The clergy seem, at present, much divided. Five-sixths of that representation consists of the lower clergy, who, being the sons of the peasantry, are very well with the Tiers Etat. But the Bishops are intriguing, and drawing them over daily. The Tiers Etat is so firm to vote by persons or to go home, that it is impossible to conjecture what will be the result. This is the state of parties, as well as we can conjecture from the conversation of the members; for, as yet, no vote has been given which will enable us to calculate, on certain ground.

Having formerly written to you on the subject of our finances, I enclose you now an abstract of a paper on that subject, which Gouverneur Morris communicated to me. You will be a better judge of its merit than I am. It seems to me worthy good attention.

I have a box of books packed for you, which I shall carry to Havre, and send by any ship bound to New York or Philadelphia. I have been so inexact as to take no list of them before nailing up the box. Be so good as to do this, and I will take with me my bookseller's account, which will enable us to make a statement of them. They are chiefly Encyclopedies, from the twenty-third to the thirtieth livraison. Paul Jones has desired me to send to yourself and Colonel Carrington each, his bust. They are packed together in the same box. There are three other boxes, with two in each, for other gentlemen. I shall send them all together, and take the liberty of addressing them to you. I rejoice extremely to hear you are elected, in spite of all cabals. I fear your post will not permit me to see you but in New York, and consequently but a short time only. I shall much regret this.

I am, with sentiments of sincere attachment and respect, dear Sir, your friend and servant.

TO THE HONORABLE MR. JAY.

PARIS, May 12, 1789

SIR,—I am this moment returned from Versailles, and it is the last moment allowed me to write by this occasion. The Tiers Etat remain unshaken in their resolution to do no business with the other orders, but voting by persons. The Nobles are equally determined, and by a majority of four-fifths or five-sixths to vote only by orders. Committees of accommodation indeed are appointed, but with little prospect of effect. Already the ministry of the Nobles began to talk of abandoning their body, and going to take their places among the Tiers. Perhaps they may be followed by the timid part of their orders, and it might be hoped, by a majority of the Clergy, which still remain undebauched by the bishops. This would form a States General of the whole Tiers, a majority of the Clergy, and a fraction of the Nobles. This may be considered, then, as one of the possible issues this matter may take, should reconciliation be impracticable.

I am able to speak now more surely of the situation of the Emperor. His complaint is pulmonary. The spitting of blood is from the lungs. The hemorrhage which came on was critical, and relieved him for the moment; but the relief was momentary only. There is little expectation he can last long. The King of England's voyage to Hanover is spoken of more doubtfully. This would be an indication that his complaint is better, or, at least, not worse. I find, on receiving Mr. Neckar's discourse in print, that he has not proposed in direct terms to put down our free ports. The expression is, "on se borne en ce moment a vous faire observer," &c., &c. I spoke on the subject to M. de Montmorin to-day, and he says they meant and mean to confer with me on it before my departure. I spoke to him also to bring Schweighauser and De Bree's affair to a conclusion; and to Mr. Rayneval on the same subject. They told me they had just received a letter from the Count de La Luzerne, justifying the detention of our stores; that they were so much dissatisfied with the principles he advanced, that they should take upon them-

selves to combat and protest against them, and to insist on a clear establishment of the rule that the property of one sovereign within the dominions of another, is not liable to the territorial jurisdiction. They have accordingly charged one of their ablest counsels with the preparation of a memoir to establish this point. I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MONSIEUR DE PONTIERE.

PARIS, May 17, 1789.

SIR,—I am honored with your letter of the 6th instant, and am sincerely sorry that you should experience inconveniences for the want of arrearages due to you from the United States. I have never ceased to take every measure which could promise to procure to the foreign officers the payment of these arrears. At present, the matter stands thus: Congress have agreed to borrow a sum of money in Holland, to enable them to pay the individual demands in Europe. They have given orders that these arrearages shall be paid out of this money, when borrowed, and certain bankers in Amsterdam are charged to borrow the money. I am myself of opinion, they will certainly procure the money in the course of the present year; but it is not for me to affirm this, nor to make any engagement. The moment the money is ready, it shall be made known to Colonel Gourion, who, at the desire of many of the officers, has undertaken to communicate with me on the subject, and to inform them, from time to time, of the progress of this business. He will readily answer your letters on this subject. I depart in a few days for America, but shall leave such instructions here, as that this matter will suffer no delay on that account.

I have the honor to be, Sir, your most obedient humble servant.

TO MR. VAUGHAN.

PARIS, May 17, 1789

DEAR SIR,—I am to acknowledge, all together, the receipt of your favors of March the 17th, 26th, and May the 7th, and to return you abundant thanks for your attention to the article of dry rice, and the parcel of seeds you sent me. This is interesting, because, even should it not take place of the wet rice, in South Carolina, it will enable us to cultivate this grain in Virginia, where we have not lands disposed for the wet rice. The collection of the works of Monsieur de Poivre has not, as I believe, been ever published. It could hardly have escaped my knowledge if they had been ever announced. The French translation of the book on trade, has not yet come to my hands. Whenever I receive the copies they shall be distributed, and principally among the members of the Etats Generaux. I doubt whether, at this session, they will take up the subject of commerce. Whenever they do, they will find better principles nowhere than in that book. I spoke with Mr. Stewart yesterday on the subject of the distribution, and if I should be gone before the books come to hand, he will execute the commission. Your nation is very far from the liberality that treatise inculcates. The proposed regulation on the subject of our wheat, is one proof. The prohibition of it in England would, of itself, be of no great moment, because I do not know that it is much sent there. But it is the publishing a libel on our wheat, sanctioned with the name of parliament, and which can have no object but to do us injury, by spreading a groundless alarm in those countries of Europe where our wheat is constantly and kindly received. It is a mere assassination. If the insect they pretend to fear, be the Hessian fly, it never existed in the grain. If it be the weavil, our grain always had that; and the experience of a century has proved that either the climate of England is not warm enough to hatch the egg and continue the race, or that some other unknown cause prevents any evil from it. How different from this spirit, my dear Sir, has been your readiness to help us to the dry rice,

to communicate to us the bread tree, &c. Will any of our climates admit the cultivation of the latter? I am too little acquainted with it, to judge. I learn that your newspapers speak of the death of Ledyard, at Grand Cairo. I am anxious to know whether there be foundation for this. I have not yet had time to try the execution of the wood hygrometer proposed by Dr. Franklin. Though I have most of the articles ready made, I doubt now whether I shall be able to do it before my departure for America, the permission for which, I expect every hour; and I shall go off the instant I receive it. While there, I shall have the pleasure of seeing your father and friends. I expect to return in the fall. In the meantime I have the honor to be, with very great esteem and respect, dear Sir, your most obedient humble servant.

TO THOMAS PAINE.

PARIS, May 19, 1789.

DEAR SIR,—Your favors of February the 16th to April the 13th, and of May the 3d and 10th, are received; and the two last are sent to Mr. Leroy, who will communicate them to the Academy.

You know that the States General have met, and probably have seen the speeches at the opening of them. The three orders sit in distinct chambers. The great question, whether they shall vote by orders or persons can never be surmounted amicably. It has not yet been proposed in form; but the votes which have been taken on the outworks of that question show that the Tiers Etat are unanimous, a good majority of the Clergy (consisting of the Curés) disposed to side with the Tiers Etat, and in the chamber of the Noblesse, there are only fifty-four in that sentiment, against one hundred and ninety, who are for voting by orders. Committees to find means of conciliation are appointed by each chamber; but conciliation is impossible. Some think the Nobles could be induced to unite themselves with the *higher Clergy* into one House, the lower Clergy and Tiers Etat

forming another. But the Tiers Etat are immovable. They are not only firm, but a little disdainful. The question is, what will ensue? One idea is to separate, in order to consult again their constituents, and to take new instructions. This would be doing nothing, for the same instructions would be repeated; and what, in the meantime, is to become of a government, absolutely without money, and which cannot be kept in motion with less than a million of livres a day? The more probable expectation is as follows. As soon as it shall become evident that no amicable determination of the manner of voting can take place, the Tiers Etat will send an invitation to the two other orders to come and take their places in the common chamber. A majority of the Clergy will go, and the minority of the Noblesse. The chamber thus composed will declare that the States General are constituted, will notify it to the King, and that they are ready to proceed to business. If the King refuses to do business with them, and adheres to the Nobles, the common chamber will declare all taxes at an end, will form a declaration of rights, and do such other acts as circumstances will permit, and go home. The tax-gatherers will then be resisted, and it may well be doubted whether the soldiery and their officers will not divide, as the Tiers Etat and Nobles. But it is more likely that the King will agree to do business with the States General, so constituted, professing that the necessities of the moment force this, and that he means to negotiate (as they go along) a reconciliation between the seceding members and those which remain. If the matter takes this turn, there may be small troubles and ebullitions excited by the seceding Noblesse and higher Clergy; but no serious difficulty can arise. M. de Lamoignon, the Garde des Sceaux of the last year, has shot himself. The Emperor's complaint is pulmonary and incurable. The Grand Seignor is dead; his successor, young and warlike. I congratulate you sincerely on the success of your bridge. I was sure of it before from theory; yet one likes to be assured from practice also. I am anxious to see how Mr. Rumsey's experiment succeeds.

May the 21st. I have this moment received a letter from

Ledyard, dated Cairo, November the 15th. He therein says, "I am doing up my baggage, and most curious baggage it is, and I leave Cairo in two or three days. I travel from hence southwest, about three hundred leagues, to a black King; there my present conductors leave me to my fate. Beyond, I suppose, I go alone. I expect to hit the continent across, between the parallels of twelve and twenty degrees north latitude. I shall, if possible, write you from the kingdom of this black gentleman." This seems to contradict the story of his having died at Cairo in January, as he was then, probably, in the interior parts of Africa. If Sir Joseph Banks has no news from him later than the letter of September, it may do him pleasure, if you will communicate the above. If he or any other person knows whether there is any foundation for the story of his death, I will thank you to inform me of it. My letter being to go off to-morrow, I shall only add assurances of the esteem and respect with which I am, dear Sir, your friend and servant.

TO DOCTOR PRICE.

PARIS, May 19, 1789.

DEAR SIR,—Your favor of the 4th instant is duly received. I am in hourly expectation of receiving letters permitting me to go to America for a few months, and shall leave Paris within a very few days after I shall have received them. As this is probably the last letter I can have the honor of writing you before my return, I will do myself the pleasure of putting you in possession of the state of things here at this moment, as it may enable you better to decide between truth and falsehood for some time to come. You already know that the States General are met, and have seen the speeches of the King, the Garde des Sceaux, and of Mr. Neckar. The three orders as yet, set in different chambers. The great parliamentary question whether they shall vote by orders or persons is undecided. It has not yet been formally proposed, but the votes already given in the

separate chambers on the outworks of that question, show that the Tiers Etat are unanimous for voting by persons. A good majority of the Clergy of the same disposition, and only fifty-four of the Noblesse against one hundred and ninety of the same body, who are for voting by orders. The chambers have appointed committees to confer together on the means of conciliation, but this is mere form, conciliation being impracticable. The Noblesse, as some think, would be induced to unite themselves into one house, with the higher Clergy, the lower Clergy and Tiers forming another. But the Tiers are firm, and will agree to no modification. They are disposed to reduce the State to one order as much as possible. As we are always disposed to conjecture on the future, it is natural to form conjectures as to the issue from the present difficulty. One idea is, that they will separate to consult their constituents. I think they will not do this, because they know their constituents will repeat the same instructions. And what in the meantime is to become of a government which cannot keep in motion with less than a million of livres a day? A more probable conjecture is, that when it shall be manifest that conciliation is impracticable, the Tiers will invite the other orders to come and take their places in the common chamber. The majority of the Clergy, (to wit, the curés, and the minority of the Noblesse,) will accept the invitation. The chamber thus composed, will declare that the States General are now constituted, will notify it to the King, and prepare to proceed to business. If he refuses to acknowledge them, and adheres to the principles of the Noblesse, they will suspend all taxes, form a declaration of rights, and do such other acts as circumstances will admit, and go home. The tax-gatherers will be resisted, and perhaps the soldiery take side with the Tiers, and their officers with the Noblesse. But I rather suppose the King will dc business with the States so constituted, negotiating at the same time as they go along, a reconciliation with the seceding members. The latter may in that case excite small and partial troubles, but cannot make a serious resistance. It is very important that the lower Clergy side with the Tiers. They are the effect-

ive part of that order, while the bishops and archbishops are held in detestation. But you are to keep in mind that these are conjectures, and you know how small a circumstance may give a totally different turn from what has been plausibly conjectured. My hope is that the mass of the Bourgeoisie is too well in motion, and too well-informed to be resisted or misled, and ultimately that this great country will obtain a good constitution, and show the rest of Europe that reformation in government follows reformation in opinion. I am, with sentiments of the most perfect esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO MONSIEUR DE CREVE-COEUR.

PARIS, May 20, 1789.

DEAR SIR,—I am now to acknowledge the receipt of your several letters of October 20th, November 20th, and January 2d, and to thank you for the pamphlets you have been so kind as to send me. A conveyance by the way of London enables me to write the present, for I never think of writing *news* by the circumnavigation of the Bordeaux packet. You know that your States General are met, and you have seen the speeches of the King and his ministers at the opening of it, for I take for granted, M. de Montmorin has sent them to M. de Moustier, as I have done to Mr. Jay. I was present at that august ceremony. Had it been enlightened with lamps and chandeliers, it would have been almost as brilliant as the opera. Till now your affairs have gone on with a smoothness and rapidity which has been never before seen. At this moment, however, they are at a dead stand. The great preliminary question, whether they shall vote by orders or persons, seems to threaten a scission. They have not yet ventured to present the question in form, but the votes which have been given by the separate chambers on the outworks of that question, enables us to see pretty clearly the strength of the two parties. For voting by persons are 1,

the Tiers Etat, unanimous; 2, a good majority of the Clergy, consisting of the curés; 3, fifty-four members of the Noblesse. For voting by orders are 1, the residue of the Nobles being about 190; 2, a minority in the Clergy, consisting of the bishops and archbishops, &c. All the world is conjecturing how they are to get over the difficulty. Abundance are affrighted, and think all is lost, and the nation in despair at this unsuccessful effort, will consign itself to tenfold despotism. This is rank cowardice. Others propose that the members shall go back to ask new instructions from their constituents. This would be useless, because they know that the same instructions would be repeated, and who can say what new event, internal or external, might shuffle this glorious game out of their hands? Another hypothesis, which I shall develop, because I like it, and wish it, and hope it, is, that as soon as it shall be manifest that the committees of conciliation, now appointed by the three chambers, shall be able to agree in nothing, the Tiers will invite the other two orders to come and take their seats in the common chamber. A majority of the Clergy will come, and the minority of the Nobles. The chamber thus composed, will declare that the States General are now constituted, will notify it to the King, and propose to do business. It may be hoped he will accede to their proposition, justifying it by the necessity of the moment, and negotiating as they go along, the return of the other members of the Noblesse and Clergy. If he should, on the contrary, refuse to receive them as the States General, and adheres to the principles of the Noblesse, it may possibly happen that the Tiers will declare all taxes discontinued, form a declaration of rights, and do such other acts as circumstances will admit, and return every man to his tent. The tax-gatherers might be resisted, and the body of the army found to be disposed differently from their officers. All this will be avoided by admitting this composition of the chamber to be the States General, and pursuing modes of conciliation. These indeed will be difficult for the orders, as the Tiers seem determined to break down all the barriers of the separation of the several orders, and to have in future but

one. I would have put off writing to you a few days longer, in hopes of informing you of the unravelling of this knot, but I am in hourly expectation of receiving my leave of absence, and am so prepared for my departure, that a very few days will enable me to set out for America, where I shall have the pleasure of relating to you more accurately the state of things here, of delivering you letters from your sons, and of assuring you in person of those sentiments of esteem and respect, with which I have the honor to be, dear Sir, your most obedient humble servant.

P. S. I have sent to M. le Comte de Moustier a list of the Deputies of the States.

TO MONSIEUR DE LA FAYETTE.

PARIS, June 3, 1789.

DEAR SIR,—Revolving further in my mind the idea started yesterday of the King's coming forward in a *seance royale*, and offering a charter containing all the good in which all the parties agree, I like it more and more. I have ventured to sketch such a charter merely to convey my idea, which I now enclose to you, as I do also to M. de St. Etienne. I write him a letter of apology for my meddling in a business where I know so little and you and he so much. I have thought it better to possess him immediately of the paper, because he may at the conference of to-day sound the minds of the conferees. Yours affectionately.

TO MONSIEUR DE ST. ETIENNE.

PARIS, June 3, 1789.

SIR,—After you quitted us yesterday evening, we continued our conversation (Monsieur de La Fayette, Mr. Short and myself) on the subject of the difficulties which environ you. The desirable object being, to secure the good which the King has offered, and to avoid the ill which seems to threaten, an idea was

suggested, which appearing to make an impression on Monsieur de La Fayette, I was encouraged to pursue it on my return to Paris, to put it into form, and now to send it to you and him. It is this; that the King, in a *seance royale* should come forward with a Charter of Rights in his hand, to be signed by himself and by every member of the three orders. This charter to contain the five great points which the Resultat of December offered, on the part of the King, the abolition of pecuniary privileges offered by the privileged orders, and the adoption of the national debt, and a grant of the sum of money asked from the nation. This last will be a cheap price for the preceding articles; and let the same act declare your immediate separation till the next anniversary meeting. You will carry back to your constituents more good than ever was effected before without violence, and you will stop exactly at the point where violence would otherwise begin. Time will be gained, the public mind will continue to ripen and to be informed, a basis of support may be prepared with the people themselves, and expedients occur for gaining still something further at your next meeting, and for stopping again at the point of force. I have ventured to send to yourself and Monsieur de La Fayette a sketch of my ideas of what this act might contain, without endangering any dispute. But it is offered merely as a canvas for you to work on, if it be fit to work on at all. I know too little of the subject, and you know too much of it, to justify me in offering anything but a hint. I have done it, too, in a hurry; insomuch, that since committing it to writing, it occurs to me that the fifth article may give alarm; that it is in a good degree included in the fourth, and is, therefore, useless. But after all, what excuse can I make, Sir, for this presumption. I have none but an unmeasurable love for your nation, and a painful anxiety lest despotism, after an unaccepted offer to bind its own hands, should seize you again with tenfold fury. Permit me to add to these, very sincere assurances of the sentiments of esteem and respect, with which I have the honor to be, Sir, your most obedient, and most humble servant.

[The annexed is the Charter accompanying the two preceding letters.]

A Charter of Rights, solemnly established by the King and Nation

1. The States General shall assemble, uncalled, on the first day of November, annually, and shall remain together so long as they shall see cause. They shall regulate their own elections and proceedings, and until they shall ordain otherwise, their elections shall be in the forms observed in the present year, and shall be triennial.

2. The States General alone shall levy money on the nation, and shall appropriate it.

3. Laws shall be made by the States General only, with the consent of the King.

4. No person shall be restrained of his liberty, but by regular process from a court of justice, authorized by a general law. (Except that a Noble may be imprisoned by order of a court of justice, on the prayer of twelve of his nearest relations.) On complaint of an unlawful imprisonment, to any judge whatever, he shall have the prisoner immediately brought before him, and shall discharge him, if his imprisonment be unlawful. The officer in whose custody the prisoner is, shall obey the orders of the judge; and both judge and officer shall be responsible, civilly and criminally, for a failure of duty herein.

5. The military shall be subordinate to the civil authority.

6. Printers shall be liable to legal prosecution for printing and publishing false facts, injurious to the party prosecuting; but they shall be under no other restraint.

7. All pecuniary privileges and exemptions, enjoyed by any description of persons, are abolished.

8. All debts already contracted by the King, are hereby made the debts of the nation; and the faith thereof is pledged for their payment in due time.

9. Eighty millions of livres are now granted to the King, to be raised by loan, and reimbursed by the nation; and the taxes

heretofore paid, shall continue to be paid to the end of the present year, and no longer.

10. The States General shall now separate, and meet again on the 1st day of November next.

Done, on behalf of the whole nation, by the King and their representatives in the States General, at Versailles, this —— day of June, 1789.

Signed by the King, and by every member individually, and in his presence.

TO THE MARQUIS DE LA FAYETTE.

PARIS, June 12, 1789.

MY DEAR SIR,—As I may not be able to get at you, at Versailles, I write this to deliver it myself at your door. With respect to the utility, or inutility of your minority's joining the Commons, I am unable to form an opinion for myself. I know too little of the subject to see what may be its consequences.

I never knew an instance of the English parliament's undertaking to relieve the poor, by a distribution of bread in time of scarcity. In fact, the English commerce is so extensive and so active, that though bread may be a little more or less plenty, there can never be an absolute failure. This island is so narrow, that corn can be readily carried from the sea ports to its interior parts. But were an absolute want to happen, and were the parliament to undertake a distribution of corn, I think, that according to the principles of their government, they would only vote a sum of money, and address the King to employ it for the best. The business is, in its nature, executive, and would require too great a variety of detail to be managed by an act of parliament. However, I repeat it, that I never heard or read of an instance of the parliament's interfering to give bread. If I see you at Versailles to-day, I can be more particular.

I am with great sincerity, my dear Sir, your affectionate friend and servant.

TO JOHN JAY.

PARIS, June 17, 1789.

SIR,—I had the honor of addressing you on the 9th and 12th of May, by the way of London. This goes through the same channel to the care of Mr. Trumbull. Having received no letter from you of later date than the 25th of November, I am apprehensive that there may have been miscarriages, and the more so, as I learn, through another channel, that you have particularly answered mine of November the 19th.

The death of the Grand Seignior, which has happened, renders the continuance of the war more probable, as it has brought to the throne a successor of a more active and ardent temper, and who means to put himself at the head of his armies. He has declared the Captain Pacha his Generalissimo. The prospects for Russia, on the other hand, are less encouraging. Her principal ally, the Emperor, is at death's door, blazing up a little indeed, from time to time, like an expiring taper, but certainly to extinguish soon. Denmark too, is likely to be restrained by the threats of England and Prussia, from contributing even her stipulated naval succors. It is some time since I have been able to obtain any account of the King of England, on which I can rely with confidence. His melancholy continues, and to such a degree, as to render him absolutely indifferent to everything that passes, so that he seems willing to let his ministers do everything they please, provided they will let him alone. When forced to speak, his comprehension seems better than it was in the first moments after his phrensy went off. His health is bad; he does not go into public at all, and very few are admitted to see him. This is his present state, according to the best accounts I have been able to get lately. His ministers dictate boldly in the north, because they know it is impossible they should be engaged in the war, while this country is so completely palsied.

You will have seen, by my former letters, that the question, whether the States General should vote by persons or by orders, had stopped their proceedings in the very first instances in which

it could occur, that is, as to the verification of their powers, and that they had appointed committees to try if there were any means of accommodation. These could do nothing. The King then proposed that they should appoint others, to meet persons whom he should name, on the same subject. These conferences also proved ineffectual. He then proposed a specific mode of verifying. The Clergy accepted it unconditionally. The Noblesse, with such conditions and modifications, as did away their acceptance altogether. The Commons, considering this as a refusal, came to the resolution of the 10th instant, (which I have the honor to send you,) inviting the two other orders to come and take their places in the common room, and notifying that they should proceed to the verification of powers, and to the affairs of the nation, either with or without them. The Clergy have, as yet, given no answer. A few of their members have accepted the invitation of the Commons, and have presented themselves in their room, to have their powers verified; but how many it will detach, in the whole, from that body, cannot be known till an answer be decided on. The Noblesse adhered to their former resolutions, and even the minority, well disposed to the Commons, thought they could do more good in their own chamber, by endeavoring to increase their numbers and fettering the measures of the majority, than by joining the Commons. An intrigue was set on foot between the leaders of the majority in that House, the Queen and Princes. They persuaded the King to go for some time to Marly; he went. On the same day, the leaders moved in the chamber of Nobles, that they should address the King, to declare his own sentiments on the great question between the orders. It was intended that this address should be delivered to him at Marly, where, separated from his ministers, and surrounded by the Queen and Princes, he might be surprised into a declaration for the Nobles. The motion was lost, however, by a very great majority, that chamber being not yet quite ripe for throwing themselves into the arms of despotism. Neckar and Montmorin who had discovered this intrigue, had warned some of the minority to defeat it, or they could not answer for what would happen. These two and St.

Priest, are the only members of the Council in favor of the Commons. Luzerne, Puy-Segur and the others, are high aristocrats. The Commons having verified their powers, a motion was made the day before yesterday, to declare themselves constituted, and to proceed to business. I left them at two o'clock yesterday; the debates not then finished. They differed only about forms of expression, but agreed in the substance, and probably decided yesterday, or will decide to-day. Their next move, I fancy, will be to suppress all taxes, and instantly re-establish them till the end of their session, in order to prevent a premature dissolution; and then, they will go to work on a declaration of rights and a constitution. The Noblesse, I suppose, will be employed altogether in counter operations; the Clergy, that is to say, the higher Clergy, and such of the Curés as they can bring over to their side, will be waiting and watching, merely to keep themselves in their saddles. Their deportment, hitherto, is that of meekness and cunning. The fate of the nation depends on the conduct of the King and his ministers. Were they to side openly with the Commons, the revolution would be completed without a convulsion, by the establishment of a constitution, tolerably free, and in which the distinction of Noble and Commoner would be suppressed. But this is scarcely possible. The King is honest, and wishes the good of his people; but the expediency of an hereditary aristocracy is too difficult a question for him. On the contrary, his prejudices, his habits and his connections, decide him in his heart to support it. Should they decide openly for the Noblesse, the Commons, after suppressing taxes, and finishing their declaration of rights, would probably go home; a bankruptcy takes place in the instant, Mr. Neckar must go out, a resistance to the tax-gatherers follows, and probably a civil war. These consequences are too evident and violent, to render this issue likely. Though the Queen and Princes are infatuated enough to hazard it, the party in the ministry would not. Something, therefore, like what I hinted in my letter of May the 12th, is still the most likely to take place. While the Commons, either with or without their friends of the other two Houses, shall be employed in framing a constitution,

perhaps the government may set the other two Houses to work on the same subject; and when the three schemes shall be ready, joint committees may be negotiated, to compare them together, to see in what parts they agree; and probably they will agree in all, except the organization of the future States General. As to this, it may be endeavored, by the aid of wheedling and intimidation, to induce the two privileged chambers to melt themselves into one, and the Commons, instead of one, to agree to two Houses of legislation. I see no other middle ground to which they can be brought.

It is a tremendous cloud, indeed, which hovers over this nation, and he at the helm has neither the courage nor the skill necessary to weather it. Eloquence in a high degree, knowledge in matters of account and order, are distinguishing traits in his character. Ambition is his first passion, virtue his second. He has not discovered that sublime truth, that a bold, unequivocal virtue is the best handmaid even to ambition, and would carry him further, in the end, than the temporising, wavering policy he pursues. His judgment is not of the first order, scarcely even of the second; his resolution frail; and, upon the whole, it is rare to meet an instance of a person so much below the reputation he has obtained. As this character, by the post and times in which providence has placed it, is important to be known, I send it to you as drawn by a person of my acquaintance, who knows him well. He is not, indeed, his friend, and allowance must, therefore, be made for the high coloring. But this being abated, the facts and groundwork of the drawing are just. If the Tiers separate, he goes at the same time; if they stay together, and succeed in establishing a constitution to their mind, as soon as that is placed in safety, they will abandon him to the mercy of the court, unless he can recover the confidence which he has lost at present, and which, indeed, seems to be irrecoverable.

The inhabitants of St. Domingo, without the permission of the Government, have chosen and sent deputies to the States General. The question of their admission is to be discussed by the States. In the meantime, the Government had promised them an Assem-

bly in their own island, in the course of the present year. The death of the Dauphin, so long expected, has at length happened. Montmorin told Ternant the other day, that de Moustier had now asked a congé, which would be sent him immediately. So that unless a change of ministry should happen, he will, probably, be otherwise disposed of. The gazettes of France and Leyden accompany this. I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient humble servant.

P. S. June 18. The motion under debate with the Commons, for constituting their Assembly, passed yesterday by a majority of four hundred and odd, against eighty odd. The latter were for it in substance, but wished some particular amendment. They proceeded instantly to the subject of taxation. A member, who called on me this moment, gave me a state of the proceedings of yesterday, from memory, which I enclose you. He left the House a little before the question was put, because he saw there was no doubt of its passing, and his brother, who remained till the decision, informed him of it. So that we may expect, perhaps, in the course of to-morrow, to see whether the government will interpose with a bold hand, or will begin a negotiation. But in the meantime, this letter must go off. I will find some other opportunity, however, of informing you of the issue.

[*Character of Mr. Neckar, accompanying the preceding letter.*]

Nature bestowed on Mr. Neckar an ardent passion for glory, without, at the same time, granting him those qualities required for its pursuit by direct means. The union of a fruitful imagination, with a limited talent, with which she has endowed him, is always incompatible with those faculties of the mind which qualify their possessor to penetrate, to combine, and to comprehend all the relations of objects.

He had probably learned in Geneva, his native country, the influence which riches exercise on the success of ambition, without having recourse to the school of Paris, where he arrived

about the twenty-eighth year of his age. A personal affair with his brother, in which the chiefs of the republic conducted themselves unjustly towards him, the circumstances of which, moreover, exposed him to ridicule, determined him to forsake his country. On taking his leave, he assured his mother that he would make a great fortune at Paris. On his arrival, he engaged himself as clerk, at a salary of six hundred livres, with the banker Thelusson, a man of extreme harshness in his intercourse with his dependents. The same cause which obliged other clerks to abandon the service of Thelusson, determined Neckar to continue in it. By submitting to the brutality of his master with a servile resignation, whilst, at the same time, he devoted the most unremitting attention to his business, he recommended himself to his confidence, and was taken into partnership. Ordinary abilities only, were requisite to avail him of the multitude of favorable circumstances, which, before he entered into the administration, built up a fortune of six millions of livres. He owed much of his good fortune to his connections with the Abbé Terrai, of whose ignorance he did not scruple to profit. His riches, his profession, his table, and a virtuous, reasonable and well-informed wife, procured him the acquaintance of many persons of distinction, among whom were many men of letters, who celebrated his knowledge and wisdom.

The wise and just principles by which Turgot aimed to correct the abuses of the administration, not having been received with favor, he seized the occasion to flatter ignorance and malignity, by publishing his work against the freedom of the corn trade. He had published, two years before, an eulogy on Colbert. Both these productions exhibited the limited capacity of a banker, and, in no degree, the enlarged views of a statesman. Not at all delicate in the choice of his means, he succeeded to his wish in his object, which was the establishing himself in public opinion. Elevated by a secret cabal, to the direction of the finances, he began by refusing the salaries of his office. He affected a spirit of economy and austerity, which imposed even on foreign nations, and showed the possibility of making war

without laying new taxes. Such, at least, was his boast; but, in reality, they have been increased under his administration, about twenty millions, partly by a secret augmentation of the *bailles* and of the poll-tax, partly by some versifications of the *twentieths*, and partly by the natural progression, which is tested by the amount of taxes on consumption, the necessary result of the successive increase of population, of riches, and of expensive tastes.

All these circumstances reared for him an astonishing reputation, which his fall has consecrated. People will not reflect, that, in the short period of his ministry, he had more than doubled his fortune. Not that he had peculated on the public treasury; his good sense and pride forbade a resort to this manœuvre of weak minds; but by resorting to loans and the costly operations of the bank, to provide the funds of war, and being still connected with the house to which he addressed himself for much the greater part of his negotiations. They have not remarked that his great principles of economy have nothing more than a false show, and that the loans resorted to, in order to avoid the imposition of taxes, have been the source of the mischief which has reduced the finances to their present alarming condition.

As to his *compte rendu;* he has been forgiven the nauseous panegyric which he has passed upon himself, and the affectation of introducing his wife into it, for the purpose of praising her: and we are spared the trouble of examining his false calculations. M. de Calonnes has undertaken this investigation. Without being able to vindicate himself, he has already begun to unmask his antagonist, and he promises to do it effectually.

Necessity has recalled this man to the ministry; and it must be confessed that he is beyond comparison a less mischievous minister than his predecessors. I would compare him to a steward, who, by his management, does not entirely ruin his master, but who enriches himself at his expense. The desire of glory should inspire him as much as possible with the energy requisite for the public business. There is every likelihood that his ministry will not endure long enough to cause it to feel the effects

of his false principles of administration ; and it is he alone who is able, if any one can, to preserve order in the finances, until the reform is effected which we hope from the assembling of the States General. In the meantime the public estimation of his talents and virtue is not so high as it has been. There are persons who pretend that he is more firmly established in public opinion than he ever was. They deceive themselves. The ambitious desire he has always manifested of getting again into the administration, his work on the importance of religious opinions, and the memoires of M. de Calonnes, have greatly impaired his reputation.

TO JAMES MADISON.

PARIS, June 18, 1789.

SIR,—My last to you was of May the 11th. Yours of March the 29th, came to hand ten days ago ; and about two days ago I received a cover of your hand writing, under which were a New York paper of May the 4th, and a letter from Mr. Page to Mazzei. There being no letter from you, makes me hope there is one on the way, which will inform me of my congé. I have never received Mr. Jay's answer to my public letter, of November the 19th, which you mention him to have written, and which I fear has been intercepted. I know only from you, that my letter got safe to hand. My baggage has been made up more than a month, so that I shall leave Paris almost in the instant of receiving the permission.

The campaign begins under unfavorable auspices for Russia. The death of the Grand Seignior, who was personally disposed for peace, has brought a young and ardent successor to the throne, determined to push the war to extremity. Her only ally, the Emperor, is in *articulo mortis*, and the Grand Duke of Tuscany, should he succeed, loves peace and money. Denmark is forbidden by England and Prussia to furnish even its stipulated maritime aid. There is no appearance of any other

power's engaging in the war. As far as I can discover, the King of England is somewhat better in his head, but under such a complete depression of spirits, that he does not care how the world goes, and leaves his ministers to do as they please. It is impossible for you to conceive how difficult it is to know the truth relative to him, he is environed in such an atmosphere of lies. Men who would not speak a falsehood on any other subject, lie on this, from a principle of duty; so that even eye witnesses cannot be believed without scanning their principles and connections; and few will stand this, of the very few permitted to see him.

Committees of conciliation having failed in their endeavors to bring together the three chambers of the States General, the King proposed a specific mode of verifying their powers; for that having been the first question which presented itself to them, was the one in which the question of voting by persons or orders was first brought on. The Clergy accepted unconditionally. The Noblesse accepted on conditions which reduced the acceptance to nothing at all. The Commons considered this as a refusal on the part of the Nobles, and thereupon took their definitive resolution, to invite the other two orders to come and verify their powers in common, and to notify them they should proceed with or without them to verify, and to do the business of the nation. This was on the 10th. On the 15th, they moved to declare themselves the National Assembly. The debates on this were finished yesterday, when the proposition was agreed to, by four hundred and odd, against eighty odd. The minority agreed in substance, but wished some particular amendment. They then immediately made the proposition relative to taxes, which I enclose you, as this moment stated to me, by memory, by a member who left the Assembly a little before the question, because there was no opposition to the matter, but only to the form. He assures me, on the information of another member who was present, that Target's motion passed. We shall know, I think, within a day or two, whether the government will risk a bankruptcy and civil war, rather than see all distinc-

tion of orders done away, which is what the Commons will push for. If the fear of the former alternative prevails, they will spin the matter into negotiation. The Commons have in their chamber almost all the talents of the nation; they are firm and bold, yet moderate. There is, indeed, among them, a number of very hot-headed members; but those of most influence are cool, temperate and sagacious. Every step of this House has been marked with caution and wisdom. The Noblesse, on the contrary, are absolutely out of their senses. They are so furious, they can seldom debate at all. They have few men of moderate talents, and not one of great, in the majority. Their proceedings have been very injudicious. The Clergy are waiting to profit by every incident to secure themselves, and have no other object in view. Among the Commons there is an entire unanimity on the great question of voting by persons. Among the Noblesse there are about sixty for the Commons, and about three times that number against them. Among the Clergy, about twenty have already come over and joined the Commons, and in the course of a few days they will be joined by many more, not indeed making the majority of that House, but very near it. The Bishops and Archbishops have been very successful by bribes and intrigues, in detaching the Curés from the Commons, to whom they were at first attached to a man. The Commons are about five hundred and fifty-four in number, of whom three hundred and forty-four are of the law. These do not possess an influence founded in property; but in their habits of business and acquaintance with the people, and in their means of exciting them as they please. The Curés throughout the kingdom, form the mass of the Clergy; they are the only part favorably known to the people, because solely charged with the duties of baptism, burial, confession, visitation of the sick, instruction of the children, and aiding the poor; they are themselves of the people, and united with them. The carriages and equipage only of the higher Clergy, not their persons, are known to the people, and are in detestation with them. The soldiers will follow their officers, that is to say, their captains, lieutenants and ensigns.

These are of the lower nobility, and therefore much divided. The colonels and higher officers are of the higher nobility, are seldom with the soldiers, little known to them, not possessing their attachment. These circumstances give them little weight in the partition of the army.

I give you these miscellaneous observations, that knowing somewhat the dispositions of the parties, you may be able to judge of the future for yourself, as I shall not be here to continue its communication to you.

In hopes to see you soon, I conclude with assurances of the perfect esteem and respect with which I am, dear Sir, your friend and servant.

TO JOHN JAY.

PARIS, June 24. 1789.

SIR,—My letter of the 17th and 18th instant, gave you the progress of the States General to the 17th, when the Tiers had declared the illegality of all the existing taxes, and their discontinuance from the end of their present session. The next day being a jour de fête, could furnish no indication of the impression that vote was likely to make on the government. On the 19th, a Council was held at Marly, in the afternoon. It was there proposed, that the King should interpose by a declaration of his sentiments in a *seance royale.* The declaration prepared by Mr. Neckar, while it censured in general the proceedings both of the Nobles and Commons, announced the King's views, such as substantially to coincide with the Commons. It was agreed to in Council, as also that the *seance royale* should be held on the 22d, and the meetings till then be suspended. While the Council was engaged in this deliberation at Marly, the chamber of the Clergy was in debate, whether they should accept the invitation of the Tiers to unite with them in the common chamber. On the first question, to unite simply and unconditionally, it was decided in the negative by a very small majority. As it was known, however, that some members who had voted in the

negative, would be for the affirmative with some modifications, the question was put with these modifications, and it was determined by a majority of eleven members, that their body should join the Tiers. These proceedings of the clergy were unknown to the Council at Marly, and those of the Council were kept secret from everybody. The next morning (the 20th), the members repaired to the House as usual, found the doors shut and guarded, and a proclamation posted up for holding a *seance royale* on the 22d, and a suspension of their meetings till then. They presumed, in the first moment, that their dissolution was decided, and repaired to another place, where they proceeded to business. They there bound themselves to each other by an oath, never to separate of their own accord, till they had settled a constitution for the nation on a solid basis, and if separated by force, that they would re-assemble in some other place. It was intimated to them, however, that day, privately, that the proceedings of the *seance royale* would be favorable to them. The next day they met in a church, and were joined by a majority of the Clergy. The heads of the aristocracy saw that all was lost without some violent exertion. The King was still at Marly. Nobody was permitted to approach him but their friends. He was assailed by lies in all shapes. He was made to believe that the Commons were going to absolve the army from their oath of fidelity to him, and to raise their pay. * * * * They procured a committee to be held, consisting of the King and his ministers, to which Monsieur and the Count d'Artois should be admitted. At this committee, the latter attacked Mr. Neckar personally, arraigned his plans, and proposed one which some of his engines had put into his hands. Mr. Neckar, whose characteristic is the want of firmness, was browbeaten and intimidated, and the King shaken. He determined that the two plans should be deliberated on the next day, and the *seance royale* put off a day longer. This encouraged a fiercer attack on Mr. Neckar the next day; his plan was totally dislocated, and that of the Count d'Artois inserted into it. Himself and Monsieur de Montmorin offered their resignation, which was refused; the

Count d'Artois saying to Mr. Neckar, "No, Sir, you must be kept as the hostage; we hold you responsible for all the ill which shall happen." This change of plan was immediately whispered without doors. The nobility were in triumph, the people in consternation. When the King passed the next day through the lane they formed from the Chateau to the Hotel des Etats (about half a mile), there was a dead silence. He was about an hour in the House, delivering his speech and declaration, copies of which I enclose you. On his coming out, a feeble cry of '*vive le roy*" was raised by some children, but the people remained silent and sullen. When the Duke d'Orleans followed, however, their applauses were excessive. This must have been sensible to the King. He had ordered, in the close of his speech, that the members should follow him, and resume their deliberations the next day. The Noblesse followed him, and so did the Clergy, except about thirty, who, with the Tiers, remained in the room, and entered into deliberation. They protested against what the King had done, adhered to all their former proceedings, and resolved the inviolability of their own persons. An officer came twice to order them out of the room, in the King's name, but they refused to obey. In the afternoon, the people, uneasy, began to assemble in great numbers in the courts and vicinities of the palace. The Queen was alarmed, and sent for Mr. Neckar. He was conducted amidst the shouts and acclamations of the multitude, who filled all the apartments of the palace. He was a few minutes only with the Queen, and about three-quarters of an hour with the King. Not a word has transpired of what passed at these interviews. The King was just going to ride out. He passed through the crowd to his carriage, and into it, without being in the least noticed. As Mr. Neckar followed him, universal acclamations were raised of "Vive Monsieur Neckar, vive la sauveur de la France opprimée." He was conducted back to his house with the same demonstrations of affection and anxiety. About two hundred deputies of the Tiers, catching the enthusiasm of the moment, went to his house, and extorted from him a promise that he would not resign. These

circumstances must wound the heart of the King, desirous as he is, to possess the affections of his subjects. As soon as the proceedings at Versailles were known at Paris, a run began on the *caisse d'escompte*, which is the first symptom always of the public diffidence and alarm. It is the less in condition to meet the run, as Mr. Neckar has been forced to make free with its funds, for the daily support of the government. This is the state of things, as late as I am able to give them with certainty, at this moment. My letter not being to go off till to-morrow evening, I shall go to Versailles to-morrow, and be able to add the transactions of this day and to-morrow.

June 25. Just returned from Versailles, I am enabled to continue my narration. On the 24th, nothing remarkable passed, except an attack by the mob of Versailles on the Archbishop of Paris, who had been one of the instigators of the court, to the proceedings of the *seance royale*. They threw mud and stones at his carriage, broke the windows of it, and he in a fright promised to join the Tiers.

This day (the 25th) forty-eight of the Nobles have joined the Tiers. Among these, is the Duke d'Orleans. The Marquis de La Fayette could not be of the number, being restrained by his instructions. He is writing to his constituents, to change his instructions or to accept his resignation. There are with the Tiers now, one hundred and sixty-four members of the Clergy, so that the common chamber consists of upwards of eight hundred members. The minority of the Clergy, however, call themselves the chamber of the Clergy, and pretend to go on with business. I found the streets of Versailles much embarrassed with soldiers. There was a body of about one hundred horse drawn up in front of the Hotel of the States, and all the avenues and doors guarded by soldiers. Nobody was permitted to enter but the members, and this was by order of the King; for till now, the doors of the common room have been open, and at least two thousand spectators attending their debates constantly. They have named a deputation to wait on the King, and desire a removal of the

soldiery from their doors, and seem determined, if this is not complied with, to remove themselves elsewhere.

Instead of being dismayed with what has passed, they seem to rise in their demands, and some of them to consider the erasing every vestige of a difference of order as indispensable to the establishment and preservation of a good constitution. I apprehend there is more courage than calculation in this project. I did imagine, that seeing that Mr. Neckar and themselves were involved as common enemies in the hatred of the aristocrats, they would have been willing to make common cause with him, and to wish his continuance in office; and that Mr. Neckar, seeing that all the trimming he has used towards the court and Nobles, has availed him nothing, would engage himself heartily and solely on the popular side, and view his own salvation in that alone. The confidence which the people place in him, seems to merit some attention. However, the mass of the common chamber are absolutely indifferent to his remaining in office. They consider his head as unequal to the planning a good constitution, and his fortitude to a co-operation in the effecting it. His dismission is more credited to-day than it was yesterday. If it takes place, he will retain his popularity with the nation, as the members of the States will not think it important to set themselves against it, but on the contrary, will be willing that he should continue on their side, on his retirement. The run on the *caisse d'escompte* continues. The members of the States admit, that Mr. Neckar's departure out of office will occasion a stoppage of public payments. But they expect to prevent any very ill effect, by assuring the public against any loss, and by taking immediate measures for continuing payment. They may, perhaps, connect these measures with their own existence, so as to interest the public in whatever catastrophe may be aimed at them. The gazettes of France and Leyden accompany this. During the continuance of this crisis and my own stay, I shall avail myself of every private conveyance to keep you informed of what passes. I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO JOHN JAY.

PARIS, June 29, 1789.

SIR,—My letter of the 25th gave you the transactions of the States General to the afternoon of that day. On the next, the Archbishop of Paris joined the Tiers, as did some others of the Clergy and Noblesse. On the 27th, the question of the St. Domingo deputation came on, and it was decided that it should be received. I have before mentioned to you the ferment into which the proceedings at the *seance royale* of the 23d, had thrown the people. The soldiery also were affected by it. It began in the French guards, extended to those of every other denomination, (except the Swiss) and even to the body guards of the King. They began to quit their barracks, to assemble in squads, to declare they would defend the life of the King, but would not cut the throats of their fellow-citizens. They were treated and caressed by the people, carried in triumph through the streets, called themselves the soldiers of the nation, and left no doubt on which side they would be, in case of a rupture. Similar accounts came in from the troops in other parts of the kingdom, as well those which had not heard of the *seance royale*, as those which had, and gave good reason to apprehend that the soldiery, in general, would side with their fathers and brothers, rather than with their officers. The operation of this medicine, at Versailles, was as sudden as it was powerful. The alarm there was so complete, that in the afternoon of the 27th, the King wrote a letter to the President of the Clergy, the Cardinal de La Rochefoucault, in these words: *

"MY COUSIN,—Wholly engaged in promoting the general good of my kingdom, and desirous, above all things, that the Assembly of the States General should apply themselves to objects of general interest, after the voluntary acceptance by your order of my declaration of the 23d of the present month; I pass my word that my faithful Clergy will, without delay, unite themselves with the other two orders, to hasten the accomplishment of my paternal views. Those, whose powers are too limited, may de-

[* A translation is here given.]

cline voting until new powers are procured. This will be a new mark of attachment which my Clergy will give me. I pray God, my Cousin, to have you in his holy keeping. Louis."

A like letter was written to the Duke de Luxemburgh, President of the Noblesse. The two chambers entered into debate on the question, whether they should obey the letter of the King. There was a considerable opposition; when notes written by the Count d'Artois to sundry members, and handed about among the rest, decided the matter, and they went in a body and took their seats with the Tiers, and thus rendered the union of the orders in one chamber complete. As soon as this was known to the people of Versailles, they assembled about the palace, demanded the King and Queen, who came and showed themselves in a balcony. They rent the skies with cries of "*vive le roy*," "*vive la reine.*" They called for the Dauphin, who was also produced, and was the subject of new acclamations. After feasting themselves and the royal family with this tumultuary reconciliation, they went to the house of Mr. Neckar and M. de Montmorin, with shouts of thankfulness and affection. Similar emotions of joy took place in Paris, and at this moment, the triumph of the Tiers is considered as complete. To-morrow they will recommence business, voting by persons on all questions; and whatever difficulties may be opposed in debate by the malcontents of the Clergy and Nobility, everything must be finally settled at the will of the Tiers. It remains to see whether they will leave to the Nobility anything but their titulary appellations. I suppose they will not. Mr. Neckar will probably remain in office. It would seem natural that he should endeavor to have the hostile part of the Council removed, but I question if he finds himself firm enough for that. A perfect co-operation with the Tiers will be his wisest game. This great crisis being now over, I shall not have matter interesting enough to trouble you with, as often as I have done lately. There has nothing remarkable taken place in any other part of Europe. I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THE MARQUIS DE LA FAYETTE.

PARIS, July 6. 1789.

DEAR SIR,—I never made an offer to anybody, to have corn or flour brought here, from America; no such idea ever entered my head. Mr. Neckar desired me to give information in America, that there would be a want of flour. I did so in a letter to Mr. Jay, which he published with my name to it, for the encouragement of the merchants. Those here, who have named me on this subject, must have mistaken me for Mr. Parker. I have heard him say, he offered Mr. Neckar to bring a large supply, yet I do not think I ever repeated this; or if I did, it must have been in a company I relied on. I will thank you to satisfy Mr. Neckar of the truth. It would be disagreeable, and perhaps mischievous, were he to have an idea that I encouraged censures on him. I will bring you the paper you desire to-morrow; and shall dine at the Dutchess Danville's, where I shall be happy to meet you. Adieu. Yours affectionately.

TO THE MARQUIS DE LA FAYETTE.

PARIS, July 7, 1789.

DEAR SIR,—Your letter of yesterday gave me the first information that Monsieur de Mirabeau had suggested to the honorable the Assembly of the Nation, that I had made an offer to Mr. Neckar, to obtain from America a quantity of corn or flour, which had been refused. I know not how Monsieur de Mirabeau has been led into this error. I never in my life made any proposition to Mr. Neckar on the subject; I never said I had made such a proposition. Some time last autumn, Mr. Neckar did me the honor to desire I would have notified in the United States, that corn and flour would meet with a good sale in France. I conveyed this notice, in a letter to Mr. Jay, Secretary for Foreign Affairs, as you will see by the extract of my letter published by him in an American gazette, which I have the honor to send you. I

must beg leave to avail myself of your friendship and of your position, to have a communication of these facts made to the honorable Assembly of the Nation, of which you are a member, and to repeat to you those sentiments of respect and attachment, with which I have the honor to be, my dear Sir, your most obedient, and most humble servant.

TO MR. NECKAR.

PARIS. July 8. 1789.

SIR,—I have the honor to enclose you a copy of my letter to Monsieur de La Fayette. When I called on him yesterday, he had already spoken to Monsieur de Mirabeau, who acknowledged he had been in an error in what he had advanced in the Assembly of the Nation, as to the proposition supposed to have been made by me to your Excellency, and undertook to declare his error, when the subject should be resumed by the Assembly, to whom my letter to the Marquis de La Fayette will be also read.

I have thought it a duty, Sir, thus to correct in the first moment, an error, by which your name had been compromitted by an unfounded use of mine, and shall be happy in every occasion of proving to you those sentiments of profound respect and attachment with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO THE COUNT DE MONTMORIN.

PARIS, July 8, 1789.

SIR,—My hotel having been lately robbed for the third time, I take the liberty of uniting my wish with that of the inhabitants of this quarter, that it might coincide with the arrangements of police, to extend to us the protection of a guard. While the Douane remained here, no accident of that kind happened, but since their removal, other houses in the neighborhood have been

robbed, as well as mine. Perhaps it may lessen the difficulties of this request, that the house occupied by the people of the Douane, will lodge abundantly a *corps de garde.* On the one side of that house is Chaillot, on the other the Roule, on the third the Champs Elysées, where accidents are said to happen very frequently, all of which are very distant from any *corps de garde.*

I have the honor to be, with sentiments of the most perfect respect and esteem, your Excellency's most obedient, and most humble servant.

TO THE MARQUIS DE LA FAYETTE.

PARIS, July 9. 1789.

DEAR SIR,—Having been curious to form some estimate of the quantity of corn and flour, which have been supplied to France this year, I applied to a person in the Farms, to know upon what quantities the premium had been paid. He could not give me information, but as to the *Atlantic* ports, into which there have been imported from the United States, from March to May inclusive, forty-four thousand one hundred and sixteen quintals of corn, twelve thousand two hundred and twenty-one quintals of flour, making fifty-six thousand three hundred and thirty-seven quintals, in the whole. Add to this, what has been imported since May, suppose nearly twenty thousand quintals a month, and what has been furnished to the French islands, which has prevented an equal quantity being exported from France, and you will have the proportion drawn from us. Observe, that we have regular and constant markets for corn and flour, in Spain, Portugal, and all the West India islands, except the French. These take nearly our whole quantity. This year, France, the French West Indies and Canada were added. But a regular course of trade is not quitted in an instant, nor constant customers deserted for accidental ones. This is the reason that so small a proportion has come here. I am, dear Sir, with great sincerity, your affectionate friend and servant.

TO THE MARQUIS DE LA FAYETTE.

PARIS, July 10, 1789.

DEAR SIR,—The acknowledgment by Monsieur de Mirabeau to the National Assembly, that he had been in an error as to the offer he supposed me to have made, and the reading to them my letter, seem to be all that was requisite for any just purpose. As I was unwilling my name should be used to injure the minister, I am also unwilling it should be used to injure Monsieur de Mirabeau. I learn that his enemies in Paris are framing scandalous versions of my letter. I think, therefore, with you, it may be better to print it, and I send you a copy of it. I gave copies of it to Monsieur de Montmorin and Monsieur Neckar, as was my duty.

I am, with sincere affection, my dear Sir, your friend and servant.

TO THOMAS PAINE.

PARIS, July 11, 1789.

DEAR SIR,—Since my last, which was of May the 19th, I have received yours of June the 17th and 18th. I am struck with the idea of the geometrical wheelbarrow, and will beg of you a farther account, if it can be obtained. I have no news yet of my congé.

Though you have doubtless heard most of the proceedings of the States General since my last, I will take up the narration where that left it, that you may be able to separate the true from the false accounts you have heard. A good part of what was conjecture in that letter, is now become true history. * * * * * * * * * * * * The *National Assembly* then (for that is the name they take), having shown through every stage of these transactions a coolness, wisdom, and resolution to set fire to the four corners of the kingdom and to perish with it themselves, rather than to relinquish an iota from their plan of a total change of government, are now in com-

plete and undisputed possession of the sovereignty. The executive and aristocracy are at their feet; the mass of the nation, the mass of the clergy, and the army are with them; they have prostrated the old government, and are now beginning to build one from the foundation. A committee, charged with the arrangement of their business, gave in, two days ago, the following order of proceedings.

"1. Every government should have for its only end, the preservation of the rights of man; whence it follows, that to recall constantly the government to the end proposed, the constitution should begin by a declaration of the natural and imprescriptible rights of man.

"2. Monarchical government being proper to maintain those rights, it has been chosen by the French nation. It suits especially a great society; it is necessary for the happiness of France. The declaration of the principles of this government, then, should follow immediately the declaration of the rights of man.

"3. It results from the principles of monarchy, that the nation, to assure its own rights, has yielded particular rights to the monarch; the constitution, then, should declare, in a precise manner, the rights of both. It should begin by declaring the rights of the French nation, and then it should declare the rights of the King.

"4. The rights of the King and nation not existing but for the happiness of the individuals who compose it, they lead to an examination of the rights of citizens.

"5. The French nation not being capable of assembling individually, to exercise all its rights, it ought to be represented. It is necessary, then, to declare the form of its representation and the rights of its representatives.

"6. From the union of the powers of the nation and King, should result the enacting and execution of the laws; thus, then it should first be determined how the laws shall be established afterwards should be considered, how they shall be executed.

"7. Laws have for their object the general administration or the kingdom, the property and the actions of the citizens. The

execution of the laws which concern the general administration requires Provincial and Municipal Assemblies. It is necessary to examine, therefore, what should be the organization of the Provincial Assemblies, and what of the Municipal.

"8. The execution of the laws which concern the property and actions of the citizens, call for the judiciary power. It should be determined how that should be confided, and then its duties and limits.

"9. For the execution of the laws and the defence of the kingdom, there exists a public force. It is necessary, then, to determine the principles which should direct it, and how it should be employed.

"*Recapitulation.*

"Declaration of the rights of man. Principles of the monarchy. Rights of the nation. Rights of the King. Rights of the citizens.

"Organization and rights of the National Assembly. Forms necessary for the enaction of laws. Organization and functions of the Provincial and Municipal Assemblies. Duties and limits of the judiciary power. Functions and duties of the military power."

You see that these are the materials of a superb edifice, and the hands which have prepared them, are perfectly capable of putting them together, and of filling up the work of which these are only the outlines. While there are some men among them of very superior abilities, the mass possess such a degree of good sense, as enables them to decide well. I have always been afraid their numbers might lead to confusion. Twelve hundred men in one room are too many. I have still that fear. Another apprehension is, that a majority cannot be induced to adopt the trial by jury; and I consider that as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution. Mr. Paradise is the bearer of this letter. He can supply those details which it would be too tedious to write.

I am, with great esteem, dear Sir, your friend and servant.

TO MR. MASON.

PARIS, July 16, 1789.

SIR,—I am honored with your favor of the 11th, and sincerely thank you for the offer of your ship, which I would certainly have embraced, had I been at liberty to go. But I have not yet received permission, and must await that. I beg you to remember me in the most friendly terms to your father. I have put off answering his letter because I expected constantly to make my voyage to America and to see him at his own house.

Great events have taken place here within these few days. The change of the ministry and the tumult of Paris consequent on that, you will have heard of. Yesterday the King went without any cortege but his two brothers to the States General, and spoke to them in very honest and conciliatory terms; such as in my opinion amounts to a surrender at discretion. The temper of the city is too much heated at present to view them in that light, and therefore they keep on the watch, and go on in organizing their armed Bourgeoise. But I have not a single doubt of the sincerity of the King, and there will not be another disagreeable act from him. He has promised to send away the troops.

I am with great esteem, Sir, your most obedient, and most humble servant.

TO JOHN JAY.

PARIS, July 19, 1789.

DEAR SIR,—I am become very uneasy, lest you should have adopted some channel for the conveyance of your letters to me, which is unfaithful. I have none from you of later date than November the 25th, 1788, and of consequence, no acknowledgment of the receipt of any of mine, since that of August the 11th, 1788. Since that period, I have written to you of the following dates. 1788. August the 20th, September the 3d, 5th, 24th, November the 14th, 19th, 29th. 1789. January the 11th, 14th, 21st, February the 4th, March the 1st, 12th, 14th, 15th, May the 9th, 11th, 12th, June the 17th, 24th, 29th. I know,

through another person, that you have received mine of November the 29th, and that you have written an answer; but I have never received the answer, and it is this which suggests to me the fear of some general source of miscarriage.

The capture of three French merchant ships by the Algerines, under different pretexts, has produced great sensation in the seaports of this country, and some in its government. They have ordered some frigates to be armed at Toulon to punish them. There is a possibility that this circumstance, if not too soon set to rights by the Algerines, may furnish occasion to the States General, when they shall have leisure to attend to matters of this kind, to disavow any future tributary treaty with them. These pirates respect still less their treaty with Spain, and treat the Spaniards with an insolence greater than was usual before the treaty.

The scarcity of bread begins to lessen in the southern parts of France, where the harvest has commenced. Here it is still threatening, because we have yet three weeks to the beginning of harvest, and I think there has not been three days' provision beforehand in Paris, for two or three weeks past. Monsieur de Mirabeau, who is very hostile to Mr. Neckar, wished to find a ground for censuring him, in a proposition to have a great quantity of flour furnished from the United States, which he supposed me to have made to Mr. Neckar, and to have been refused by him; and he asked time of the States General to furnish proofs. The Marquis de La Fayette immediately gave me notice of this matter, and I wrote him a letter to disavow having ever made any such proposition to Mr. Neckar, which I desired him to communicate to the States. I waited immediately on Mr. Neckar and Monsieur de Montmorin, satisfied them that what had been suggested was absolutely without foundation from me; and indeed they had not needed this testimony. I gave them copies of my letter to the Marquis de La Fayette, which was afterwards printed. The Marquis, on the receipt of my letter, showed it to Mirabeau, who turned then to a paper from which he had drawn his information, and found he had totally mistaken it. He prom-

ised immediately that he would himself declare his error to the States General, and read to them my letter, which he did. I state this matter to you, though of little consequence in itself, because it might go to you misstated in the English papers.

Our supplies to the Atlantic ports of France, during the months of March, April and May, were only twelve thousand two hundred and twenty quintals, thirty-three pounds of flour, and forty-four thousand one hundred and fifteen quintals, forty pounds of wheat, in twenty-one vessels.

My letter of the 29th of June, brought down the proceedings of the States and government to the re-union of the orders, which took place on the 27th. Within the Assembly, matters went on well. But it was soon observed, that troops, and particularly the foreign troops, were on their march towards Paris from various quarters, and that this was against the opinion of Mr. Neckar. The King was probably advised to this, under pretext of preserving peace in Paris and Versailles, and saw nothing else in the measure. That his advisers are supposed to have had in view, when he should be secured and inspirited by the presence of the troops, to take advantage of some favorable moment, and surprise him into an act of authority for establishing the declaration of the 23d of June, and perhaps dispersing the States General, is probable. The Marshal de Broglio was appointed to command all the troops within the isle of France, a high flying aristocrat, cool and capable of everything. Some of the French guards were soon arrested under other pretexts, but in reality, on account of their dispositions in favor of the national cause. The people of Paris forced the prison, released them, and sent a deputation to the States General, to solicit a pardon. The States, by a most moderate and prudent Arreté, recommended these prisoners to the King, and peace to the people of Paris. Addresses came in to them from several of the great cities, expressing sincere allegiance to the King, but a determined resolution to support the States General. On the 8th of July, they voted an address to the King to remove the troops. This* piece of masculine eloquence, written by

* See it in the paper called Point du Jour, No. 23.

Monsieur de Mirabeau, is worth attention on account of the bold matter it expresses and discovers through the whole. The King refused to remove the troops, and said they might remove themselves, if they pleased, to Noyons or Soissons. They proceeded to fix the order in which they will take up the several branches of their future constitution, from which it appears, they mean to build it from the bottom, confining themselves to nothing in their ancient form, but a King. A declaration of rights, which forms the first chapter of their work, was then proposed by the Marquis de La Fayette. This was on the 11th. In the meantime, troops, to the number of about twenty-five or thirty thousand, had arrived, and were posted in and between Paris and Versailles. The bridges and passes were guarded. At three o'clock in the afternoon, the Count de La Luzerne was sent to notify Mr. Neckar of his dismission, and to enjoin him to retire instantly, without saying a word of it to anybody. He went home, dined, proposed to his wife a visit to a friend, but went in fact to his country-house at St. Ouen, and at midnight, set out from thence, as is supposed, for Brussels. This was not known till the next day, when the whole ministry was changed, except Villedeuil, of the domestic department, and Barentin, Garde des Sceaux. These changes were as follows: the Baron de Breteuil, President of the Council of Finance; and de La Galaisiere, Comptroller General in the room of Mr. Neckar; the Marshal de Broglio, minister of war, and Foulon under him, in the room of Puy-Segur; Monsieur de La Vauguyon, minister of foreign affairs, instead of Monsieur de Montmorin; de La Porte, minister of marine, in place of the Count de La Luzerne; St. Priest was also removed from the Council. It is to be observed, that Luzerne and Puy-Segur had been strongly of the aristocratical party in Council; but they were not considered as equal to bear their shares in the work now to be done. For this change, however sudden it may have been in the mind of the King, was, in that of his advisers, only one chapter of a great plan, of which the bringing together the foreign troops had been the first. He was now completely in the hands of men, the principal among whom,

had been noted through their lives, for the Turkish despotism of their characters, and who were associated about the King, as proper instruments for what was to be executed. The news of this change began to be known in Paris about one or two o'clock. In the afternoon, a body of about one hundred German cavalry were advanced and drawn up in the Place Louis XV. and about two hundred Swiss posted at a little distance in their rear. This drew the people to that spot, who naturally formed themselves in front of the troops, at first merely to look at them. But as their numbers increased, their indignation arose; they retired a few steps, posted themselves on and behind large piles of loose stone, collected in that place for a bridge adjacent to it, and attacked the horse with stones. The horse charged, but the advantageous position of the people, and the showers of stones, obliged them to retire, and even to quit the field altogether, leaving one of their number on the ground. The Swiss in their rear were observed never to stir. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorers' shops and private houses, and with bludgeons, and were roaming all night through all parts of the city, without any decided practicable object. The next day, the States pressed on the King to send away the troops, to permit the Bourgeoise of Paris to arm for the preservation of order in the city, and offered to send a deputation from their body to tranquillize them. He refused all their propositions. A committee of magistrates and electors of the city were appointed by their bodies, to take upon them its government. The mob, now openly joined by the French guards, forced the prison of St. Lazare, released all the prisoners, and took a great store of corn, which they carried to the corn market. Here they got some arms, and the French guards began to form and train them. The committee determined to raise forty-eight thousand Bourgeoise, or rather to restrain their numbers to forty-eight thousand. On the 14th, they sent one of their members (Monsieur de Corny, whom we knew

in America) to the Hotel des Invalides, to ask arms for their Garde Bourgeoise. He was followed by, or he found there, a great mob. The Governor of the Invalides came out, and represented the impossibility of his delivering arms, without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; and the people took possession of the arms. It was remarkable, that not only the Invalides themselves made no opposition, but that a body of five thousand foreign troops, encamped within four hundred yards, never stirred. Monsieur de Corny and five others were then sent to ask arms of Monsieur de Launai, Governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the parapet. The deputation prevailed on the people to fall back a little, advanced themselves to make their demand of the Governor, and in that instant a discharge from the Bastile killed four people of those nearest to the deputies. The deputies retired; the people rushed against the place, and almost in an instant were in possession of a fortification, defended by one hundred men, of infinite strength, which in other times had stood several regular sieges, and had never been taken. How they got in, has, as yet, been impossible to discover. Those who pretend to have been of the party tell so many different stories, as to destroy the credit of them all. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury, carried the Governor and Lieutenant Governor to the Grève, (the place of public execution,) cut off their heads, and sent them through the city in triumph to the Palais Royal. About the same instant, a treacherous correspondence having been discovered in Monsieur de Flesselles, Prevost des Marchands, they seized him in the Hotel de Ville, where he was in the exercise of his office, and cut off his head. These events, carried imperfectly to Versailles, were the subject of two successive deputations from the States to the King, to both of which he gave dry and hard answers; for it has transpired, that

it had been proposed and agitated in Council, to seize on the principal members of the States General, to march the whole army down upon Paris, and to suppress its tumults by the sword. But at night, the Duke de Liancourt forced his way into the King's bed chamber, and obliged him to hear a full and animated detail of the disasters of the day in Paris. He went to bed deeply impressed. The decapitation of de Launai worked powerfully through the night on the whole aristocratical party, insomuch, that in the morning, those of the greatest influence on the Count d'Artois, represented to him the absolute necessity that the King should give up everything to the States. This according well enough with the dispositions of the King, he went about eleven o'clock, accompanied only by his brothers, to the States General, and there read to them a speech, in which he asked their interposition to re-establish order. Though this be couched in terms of some caution, yet the manner in which it was delivered, made it evident that it was meant as a surrender at discretion. He returned to the chateau a foot, accompanied by the States. They sent off a deputation, the Marquis de La Fayette at their head, to quiet Paris. He had, the same morning, been named Commandant-in-Chief of the Milice Bourgeoise, and Monsieur Bailly, former President of the States General, was called for as Prevost des Marchands. The demolition of the Bastile was now ordered, and begun. A body of the Swiss guards of the regiment of Ventimille, and the city horse guards, joined the people. The alarm at Versailles increased instead of abating. They believed that the aristocrats of Paris were under pillage and carnage, that one hundred and fifty thousand men were in arms, coming to Versailles to massacre the royal family, the court, the ministers, and all connected with them, their practices and principles. The aristocrats of the Nobles and Clergy in the States General, vied with each other in declaring how sincerely they were converted to the justice of voting by persons, and how determined to go with the nation all its lengths. The foreign troops were ordered off instantly. Every minister resigned. The King confirmed Bailly as Pre-

vost des Marchands, wrote to Mr. Neckar to recall him, sent his letter open to the States General, to be forwarded by them, and invited them to go with him to Paris the next day, to satisfy the city of his dispositions; and that night and the next morning, the Count d'Artois and Monsieur de Montisson (a deputy connected with him) Madame de Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the Queen, the Abbé de Vermont, her confessor, the Prince of Condé and Duke de Bourbon, all fled; we know not whither. The King came to Paris, leaving the Queen in consternation for his return. Omitting the less important figures of the procession, I will only observe, that the King's carriage was in the centre, on each side of it the States General, in two ranks, a foot, and at their head the Marquis de La Fayette, as Commander-in-Chief, on horseback, and Bourgeoise guards before and behind. About sixty thousand citizens of all forms and colors, armed with the muskets of the Bastile and Invalides, as far as they would go, the rest with pistols, swords, pikes, pruning hooks, scythes, &c., lined all the streets through which the procession passed, and, with the crowds of people in the streets, doors and windows, saluted them everywhere with cries of "*vive la nation;*" but not a single "*vive le roy*" was heard. The King stopped at the Hotel de Ville. There Monsieur Bailly presented and put into his hat the popular cockade, and addressed him. The King being unprepared and unable to answer, Bailly went to him, gathered from him some scraps of sentences, and made out an answer, which he delivered to the audience as from the King. On their return, the popular cries were "*vive le roy et la nation.*" He was conducted by a Garde Bourgeoise to his palace at Versailles, and thus concluded such an *amende honorable*, as no sovereign ever made, and no people ever received. Letters written with his own hand to the Marquis de La Fayette, remove the scruples of his position. Tranquillity is now restored to the capital: the shops are again opened; the people resuming their labors, and if the want of bread does not disturb our peace, we may hope a continuance of it. The demolition of the Bastile is going on,

and the Milice Bourgeoise organizing and training. The ancient police of the city is abolished by the authority of the people, the introduction of the King's troops will probably be proscribed, and a watch or city guards substituted, which shall depend on the city alone. But we cannot suppose this paroxysm confined to Paris alone. The whole country must pass successively through it, and happy if they get through it as soon and as well as Paris has done.

I went yesterday to Versailles, to satisfy myself what had passed there; for nothing can be believed but what one sees, or has from an eye witness. They believe there still, that three thousand people have fallen victims to the tumults of Paris. Mr. Short and myself have been every day among them, in order to be sure what was passing. We cannot find, with certainty, that anybody has been killed but the three before mentioned, and those who fell in the assault or defence of the Bastile. How many of the garrison were killed, nobody pretends to have ever heard. Of the assailants, accounts vary from six to six hundred. The most general belief is, that there fell about thirty. There have been many reports of instantaneous executions by the mob, on such of their body as they caught in acts of theft or robbery. Some of these may perhaps be true. There was a severity of honesty observed, of which no example has been known. Bags of money offered on various occasions through fear or guilt, have been uniformly refused by the mobs. The churches are now occupied in singing "*De profundis*" and "*Requiems*" "for the repose of the souls of the brave and valiant citizens who have sealed with their blood the liberty of the nation." Monsieur de Montmorin is this day replaced in the department of foreign affairs, and Monsieur de St. Priest is named to the home department. The gazettes of France and Leyden accompany this. I send, also, a paper (called the Point du Jour), which will give you some idea of the proceedings of the National Assembly. It is but an indifferent thing; however, it is the best.

I have the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

P. S. *July* 21. Mr. Neckar had left Brussels for Frankfort, before the courier got there. We expect, however, to hear of him in a day or two. Monsieur le Comte de La Luzerne has resumed the department of the marine this day. Either this is an office of friendship effected by Monsieur de Montmorin, (for though they had taken different sides, their friendship continued,) or he comes in as a stop-gap, till somebody else can be found. Though very unequal to his office, all agree that he is an honest man. The Count d'Artois was at Valenciennes. The Prince of Condé and Duke de Bourbon had passed that place.

TO M. L'ABBE ARNOND.

PARIS, July 19, 1789.

DEAR SIR,—The annexed is a catalogue of all the books I recollect on the subject of juries. With respect to the value of this institution, I must make a general observation. We think, in America, that it is necessary to introduce the people into every department of government, as far as they are capable of exercising it; and that this is the only way to insure a long-continued and honest administration of its powers.

1. They are not qualified to exercise themselves the executive department, but they are qualified to name the person who shall exercise it. With us, therefore, they choose this officer every four years. 2. They are not qualified to legislate. With us, therefore, they only choose the legislators. 3. They are not qualified to *judge* questions of *law*, but they are very capable of judging questions of *fact*. In the form of juries, therefore, they determine all matters of fact, leaving to the permanent judges, to decide the law resulting from those facts. But we all know that permanent judges acquire an *Esprit de corps;* that being known, they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative power; that it is better to leave a cause to the decision of cross and pile, than to that of a judge biased

to one side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does. It is in the power, therefore, of the juries, if they think permanent judges are under any bias whatever, in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power, they have been the firmest bulwarks of English liberty. Were I called upon to decide, whether the people had best be omitted in the legislative or judiciary department, I would say it is better to leave them out of the legislative. The execution of the laws is more important than the making them. However, it is best to have the people in all the three departments, where that is possible.

I write in great haste, my dear Sir, and have, therefore, only time to add wishes for the happiness of your country, to which a new order of things is opening; and assurances of the sincere esteem with which I have the honor to be, dear Sir, your most obedient and humble servant.

Books on the subject of Juries.

Complete Juryman, or a compendium of the laws relating to jurors.
Guide to English juries.
Hawles' Englishman's right.
Juror's judges both of law and fact, by Jones.
Security of Englishmen's lives, or the duty of grand juries.
Walwin's juries justified.

TO MR. MADISON.

PARIS, July 22, 1789.

DEAR SIR,—My last to you was of the 18th of June. Within a day or two after, yours of May the 9th came to hand. In the rest of Europe nothing remarkable has happened; but in France such events as will be forever memorable in history. To begin

where my last left them, the King took on himself to decide the great question of voting by persons or orders, by a declaration made at a *seance royale* on the 23d of June. In the same declaration he inserted many other things, some good, some bad. The Tiers, undismayed, resolved the whole was a mere nullity, and proceeded as if nothing had happened. The majority of the clergy joined them, and a small part of the nobles. The uneasiness produced by the King's declaration occasioned the people to collect about the palace in the evening of the same day. The King and Queen were alarmed and sent for Mr. Neckar. He was conducted to and from the palace amidst the acclamations of the people. The French guards were observed to be mixed in great numbers with the people and to participate of their passions. This made so decisive an impression, that the King on the 27th wrote to the clergy and nobles, who had not yet joined the Tiers, recommending to them to go and join them. They did so, and it was imagined all was now settled. It was soon observed, however, that troops, and those the foreign troops, were marching towards Paris from different quarters. The States addressed the King to forbid their approach. He declared it was only to preserve the tranquillity of Paris and Versailles, and I believe he thought so. The command of those troops was given to the Marshal Broglio, and it was observed that the Baron de Breteuil was going daily to Versailles. On the 11th, there being now thirty thousand foreign troops in and between Paris and Versailles, Mr. Neckar was dismissed and ordered to retire privately. The next day the whole ministry was changed except Villedeuil and Barentin. Breteuil, Broglio and Vauguyon were the principal persons named in the new. A body of cavalry were advanced into Paris to awe them. The people attacked and routed them, killing one of the cavalry and losing a French guard. The corps of French guards gathered stronger, followed the cavalry, attacked them in the street, (*the rue basse des ramparts,*) and killed four. (I did not know this fact with certainty when I wrote to Mr. Jay, it is therefore not in my letter. I since have it from an eye-witness.) The insurrection became

now universal. The next day (the 13th) the people forced a prison and took some arms. On the 14th a committee was framed by the city, with powers corresponding to our committees of safety. They resolve to raise a city militia of forty-eight thousand men. The people attack the invalids and get a great store of arms. They then attack and carry the Bastile, cut off the Governor's and Lieutenant-Governor's heads, and that also of the Prevost des Marchand's, discovered in a treacherous correspondence. While these things were doing here, the council is said to have been agitating at Versailles a proposition to arrest a number of the members of the States, to march all the foreign troops against Paris, and suppress the tumult by the sword. But the decapitations being once known there, and that there were fifty or sixty thousand men in arms, the King went to the States, referred everything to them, and ordered away the troops. The City Committee named the Marquis de La Fayette commander-in-chief. They went on organizing their militia, the tumult continued, and a noise spread about Versailles that they were coming to massacre the court, the ministry, &c. Every minister hereupon resigned and fled, the Count d'Artois, Prince of Condé, Duke de Bourbon, the family of Polignacs, the Count de Vaudreuil, Abbé Vermont, confessor of the Queen, and key-stone of all the intrigues, all fled out of the kingdom. The King agreed to recall Mr. Necker, reappointed Montmorin and St. Priest, friends of Neckar, and came with the States General to Paris to satisfy the city of his dispositions. All the streets through which he passed were lined with Bourgeoise, armed with guns, pistols, pikes, pruning-hooks, scythes, and whatever they could lay hold of, about sixty thousand. The States General on foot on each side of his coach, the Marquis de La Fayette at their head, on horseback. He returned to Versailles in the same order, to the great joy of the remaining courtiers, who feared he would have been detained in Paris. The tumults in the city had pretty well subsided, but to-day they have been revived by a new incident. Foulon, one of the fugitive ministers, was taken in the country, (it is said by his own tenants,) and brought to Paris. Every pos-

sible effort of persuasion was exerted in vain to save him. He was forced from the hands of the Gardes Bourgeoises by the mob, was hung, and after severing his head, the body was dragged by the enraged populace through the principal streets of Paris. The Intendant of Paris (de Chauvigny), accused of having been in the plots with the late ministry, and who had fled, was taken at Compiegne, and a party of two hundred militia horse are now gone for him. If they bring him to Paris it will be impossible to save him. Monsieur de La Luzerne was reappointed minister of marine yesterday. Your last letter says nothing of my leave of absence. The season is so far advanced towards the Equinox, that if it comes to hand I shall not leave Europe till that be over. Indeed this scene is too interesting to be left at present. But if the permission does not come in time for my passage in the fall, the necessity of my going is so imperious, that I shall be in a most distressing dilemma.

I am, with sincere esteem and respect, dear Sir, your affectionate friend and servant.

P. S. *July* 23. I just learn that Bertier de Chauvigny was brought to town in the night and massacred immediately.

TO JOHN JAY.

PARIS, July 28, 1789.

SIR,—The bearer of my letters (a servant of Mr. Morris) not going off till to-day, I am enabled to add to their contents. The spirit of tumult seemed to have subsided, when, yesterday, it was excited again, by a particular incident. Monsieur Foulon, one of the obnoxious ministry, who, as well as his brethren, had absconded, was taken in the country, and, as is said, by his own tenants, and brought to Paris. Great efforts were exerted by popular characters, to save him. He was at length forced out of the hands of the Garde Bourgeoise, hung immediately, his head cut off, and his body drawn through the principal streets of the city

The Intendant of Paris, Monsieur de Chauvigny, accused of having entered into the designs of the said ministry, has been taken at Compiegne, and a body of two hundred men on horseback have gone for him. If he be brought here, it will be difficult to save him. Indeed, it is hard to say at what distance of time the presence of one of those ministers, or of any of the most obnoxious of the fugitive courtiers, will not rekindle the same blood-thirsty spirit. I hope it is extinguished as to everybody else, and yesterday's example will teach them to keep out of its way. I add two other sheets of the Point du Jour, and am, with the most perfect esteem and respect, Sir, your most obedient, and most humble

P. S. I just now learn that Bertier de Chauvigny was brought to town last night, and massacred immediately.

TO JOHN JAY.

PARIS, July 29, 1789.

SIR,—I have written you lately, on the 24th of June, with a postscript of the 25th; on the 29th of the same month; the 19th of July, with a postscript of the 21st; and again on the 23d. Yesterday I received yours of the 9th of March, by the way of Holland.

Mr. Neckar has accepted his appointment, and will arrive today from Switzerland, where he had taken refuge. No other ministers have been named since my last. It is thought that Mr. Neckar will choose his own associates. The tranquillity of Paris has not been disturbed since the death of Foulon and Bertier, mentioned in my last. Their militia is in a course of organization. It is impossible to know the exact state of the supplies of bread. We suppose them low and precarious, because, some days, we are allowed to buy but half or three-fourths of the daily allowance of our families. Yet as the wheat harvest must begin within ten days or a fortnight, we are in hopes there will be subsistence

found till that time. This is the only source from which I should fear a renewal of the late disorders; for I take for granted, the fugitives from the wrath of their country are all safe in foreign countries. Among these, are numbered seven Princes of the house of Bourbon, and six ministers; the seventh (the Marshal de Broglio), being shut upin the fortified town of Metz, strongly garrisoned with foreign soldiers. I observed to you, in a preceding letter, that the storm which had begun in Paris, on the change of the ministry, would have to pass over the whole country, and consequently would, for a short time, occasion us terrible details from the different parts of it. Among these, you will find a horrid one retailed from Vesoul, in French Compté. The atrociousness of the fact would dispose us rather to doubt the truth of the evidence on which it rests, however regular that appears. There is no question, that a number of people were blown up; but there are reasons for suspecting that it was by accident and not design. It is said the owner of the chateau sold powder by the pound, which was kept in the cellar of the house blown up; and it is possible, some one of the guests may have taken this occasion to supply himself, and been too careless in approaching the mass. Many idle stories have also been propagated and believed here, against the English, as that they have instigated the late tumults with money, that they had taken or were preparing to take Cherbourg, Brest, &c.; and even reasonable men have believed, or pretended to believe, all these. The British ambassador has thought it necessary to disavow them in a public letter, which you will find in one of the papers accompanying this.

I have lately had an opportunity of knowing with certainty, the present state of the King of England. His recovery was slow; he passed through a stage of profound melancholy; but this has at length dissipated, and he is at present perfectly re-established. He talks now as much as ever, on the same trifling subjects, and has recovered even his habitual inquisitiveness into the small news of the families about him. His health is also good, though he is not as fleshy as he used to be. I have multiplied my letters to you lately, because the scene has been truly interesting; so much

so, that had I received my permission to pay my projected visit to my own country, I should have thought, and should still think it my duty to defer it awhile. I presume it cannot now be long, before I receive your definitive answer to my request. I send herewith the public papers, as usual; and have the honor to be, with the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MR. CARMICHAEL

PARIS, August 9, 1789.

DEAR SIR,—Since your last of March the 27th, I have only written that of May the 8th. The cause of this long silence, on both parts, has been the expectation I communicated to you of embarking for America. In fact, I have expected permission for this, every hour since the month of March, and therefore always thought that by putting off writing to you a few days, my letter, while it should communicate the occurrences of the day, might be a letter of adieu. Should my permission now arrive, I should put off my departure till after the equinox. They write me that my not receiving it, has proceeded from the ceasing of the old government in October last, and the organization of the higher departments in the new, which had not yet taken place when my last letters came away. Bills had been brought in for establishing departments of Foreign Affairs, Finance, and War. The last would certainly be given to General Knox. Mr. Jay would probably have his choice of the first and second; and it is supposed Hamilton would have that which Mr. Jay declined. Some thought Mr. Jay would prefer and obtain the head of the law department, for which Wilson would be a competitor. In such a case, some have supposed C. Thompson would ask the Foreign Affairs. The Senate and Representatives differed about the title of the President. The former wanted to style him "His Highness, George Washington, President of the United States, and Protector of their liberties." The latter insisted and

prevailed, to give no title but that of office, to wit, ' George Washington, President of the United States." I hope the terms of Excellency, Honor, Worship, Esquire, forever disappear from among us, from that moment: I wish that of Mr. would follow them. In the impost bill, the Representatives had, by almost an unanimous concurrence, made a difference between nations in treaty with us, and those not in treaty. The Senate had struck out this difference and lowered all the duties. Quære, whether the Representatives would yield? Congress were to proceed about the 1st of June to propose amendments to the new Constitution. The principal would be, the annexing a declaration of rights to satisfy the mind of all, on the subject of their liberties. They waited the arrival of Brown, delegate from Kentucky, to take up the receiving that district as a fourteenth State. The only objections apprehended, were from the partisans of Vermont, who might insist on both coming in together. This would produce a delay, though probably not a long one.

To detail to you the events of this country, would require a volume. It would be useless too; because those given in the Leyden gazette, though not universally true, have so few and such unimportant errors mixed with them, that you may have a general faith in them. I will rather give you, therefore, what that paper cannot give, the views of the prevailing power, as far as they can be collected from conversation and writings. They will distribute the powers of government into three parts, legislative, judiciary, and executive. The legislative will certainly have no hereditary branch, and probably not even a select one (like our Senate). If they divide it into two chambers at all, it will be by breaking the representative body into two equal halves by lot. But very many are for a single House, and particularly the Turgotists. The imperfection of their legislative body, I think, will be, that not a member of it will be chosen by the people directly. Their representation will be an equal one, in which every man will elect and be elected as a citizen, not as of a distinct order. Quære, whether they will elect placemen and pensioners? Their legislature will meet periodically, and

set at their own will. with a power in the executive to call them extraordinarily. in case of emergencies. There is a considerable division of sentiment whether the executive shall have a negative on the laws. I think they will determine to give such a negative. either absolute or qualified. In the judiciary, the parliaments will be suppressed. less numerous judiciary bodies instituted. and trial by jury established in criminal, if not in civil cases. The executive power will be left entire in the hands of the King. They will establish the responsibility of ministers, gifts and appropriations of money by the National Assembly alone; consequently. a civil list. freedom of the press, freedom of religion, freedom of commerce and industry, freedom of person against arbitrary arrests, and modifications, if not a total prohibition of military agency in civil cases. I do not see how they can prohibit altogether the aid of the military in cases of riot, and yet I doubt whether they can descend from the sublimity of ancient military pride, to let a Marechal of France with his troops, be commanded by a Magistrate. They cannot conceive that General Washington, at the head of his army, during the late war, could have been commanded by a common Constable to go as his *posse comitatus*, to suppress a mob, and that Count Rochambeau, when he was arrested at the head of his army by a sheriff, must have gone to jail if he had not given bail to appear in court. Though they have gone astonishing lengths, they are not yet thus far. It is probable, therefore, that not knowing how to use the military as a civil weapon, they will do too much or too little with it.

I have said that things will be so and so. Understand by this, that these are only my conjectures, the plan of the constitution not being proposed yet, much less agreed to. Tranquillity is pretty well established in the capital; though the appearance of any of the refugees here would endanger it. The Baron de Besenval is kept away; so is M. de la Vauguyon. The latter was so short a time a member of the obnoxious administration, that probably he might not be touched were he here. Seven Princes

of the house of Bourbon, and seven ministers, fled into foreign countries, is a wonderful event indeed.

I have the honor to be, with great respect and attachment, dear Sir, your most obedient, and most humble servant.

TO JOHN JAY.

PARIS, August 27, 1789.

SIR,—I am honored with your favor of June the 19th, informing me that permission is given me to make a short visit to my native country, for which indulgence I beg leave to return my thanks to the President, and to yourself, Sir, for the expedition with which you were so good as to forward it, after it was obtained. Being advised that October is the best month of the autumn for a passage to America, I shall wish to sail about the first of that month; and as I have a family with me, and their baggage is considerable, I must endeavor to find a vessel bound directly for Virginia, if possible.

My last letters to you have been of the 5th and 12th instant. Since these, I received information from our bankers in Holland, that they had money in hand sufficient to answer the demands for the foreign officers, and for the captives; and that moreover, the residue of the bonds of the last loan were engaged. I hereupon wrote to Mr. Grand for an exact estimate of the sum necessary for the officers. He had stated it to me as being forty-five thousand six hundred and fifty-two livres eleven sous six deniers, a year, when I was going to Holland to propose the loan to Mr. Adams, and at that sum, you will see it was stated in the estimate we sent you from Amsterdam. He now informed me it was sixty thousand three hundred and ninety-three livres seventeen sous ten deniers, a year. I called on him for an explanation. He showed me that his first information agreed with the only list of the officers and sums then in his possession, and his last with a new list lately sent from the treasury board in which other officers were set down, who had been omitted in the first. I wrote to our bankers an account of this error, and desired to

know whether, after reserving the money necessary for the captives, they were in condition to furnish two hundred and fifty-four thousand livres for the officers. They answered me by sending the money, and the additional sum of twenty-six thousand livres, to complete the business of the medals. I delivered the bills to Messrs. Grand and company, to negotiate and pay away; and the arrears to the officers to the first day of the present year, are now in a course of payment. While on this subject, I will ask that an order may be forwarded to the bankers in Holland to furnish, and to Mr. Grand to pay, the arrearages which may be due on the first of January next. The money being in hand, it would be a pity that we should fail in payment a single day, merely for want of an order. The bankers further give it as their opinion, that our credit is so much advanced on the exchange of Amsterdam, that we may probably execute any money arrangements we may have occasion for, on this side the water. I have the honor to send you a copy of their letter. They have communicated to me apprehensions, that another house was endeavoring to obtain the business of our government. Knowing of no such endeavors myself, I have assured them that I am a stranger to any applications on the subject. At the same time, I cannot but suspect that this jealousy has been one of the spurs, at least, to the prompt completion of our loan. The spirited proceedings of the new Congress in the business of revenue, has doubtless been the principal one.

An engagement has taken place between the Russian and Swedish fleets in the Baltic, which has been not at all decisive, no ship having been lost on either side. The Swedes claim a victory, because they remained in the field till the Russians quitted it. The latter effected a junction soon after with another part of their fleet, and being now about ten ships strongest, the Swedes retired into port, and it is imagined they will not appear again under so great disparity; so that the campaign by sea is supposed to be finished. Their commerce will be at the mercy of their enemies; but they have put it out of the power of the Russians to send any fleet to the Mediterranean this year.

A revolution has been effected very suddenly in the bishopric of Liege. Their constitution had been changed by force, by the reigning sovereign, about one hundred years ago. This subject had been lately revived and discussed in print. The people were at length excited to assemble tumultuously. They sent for their Prince, who was at his country seat, and required him to come to the town house to hear their grievances. Though in the night, he came instantly and was obliged to sign a restitution of their ancient constitution, which took place on the spot, and all became quiet without a drop of blood spilt. This fact is worthy notice, only as it shows the progress of the spirit of revolution.

No act of violence has taken place in Paris since my last, except on account of the difference between the French and Swiss guards, which gave rise to occasional single combats, in which five or six were killed. The difference is made up. Some misunderstandings had arisen between the committees of the different districts of Paris, as to the form of the future municipal government. These gave uneasiness for awhile, but have been also reconciled. Still there is such a leaven of fermentation remaining in the body of the people, that acts of violence are always possible, and are quite unpunishable; there being, as yet, no judicature which can venture to act in any case, however small or great. The country is becoming more calm. The embarrassments of the government, for want of money, are extreme. The loan of thirty millions proposed by Mr. Neckar, has not succeeded at all. No taxes are paid. A total stoppage of all payment to the creditors of the State is possible every moment. These form a great mass in the city as well as country, and among the lower class of people too, who have been used to carry their little savings of their service into the public funds upon life rents of five, ten, twenty guineas a year, and many of whom have no other dependence for daily subsistence. A prodigious number of servants are now also thrown out of employ by domestic reforms, rendered necessary by the late events. Add to this, the want of bread, which is extreme. For several days past, a con-

siderable proportion of the people have been without bread altogether; for though the new harvest is begun, there is neither water nor wind to grind the grain. For some days past the people have besieged the doors of the bakers, scrambled with one another for bread, collected in squads all over the city, and need only some slight incident to lead them to excesses which may end in, nobody can tell what. The danger from the want of bread, however, which is the most imminent, will certainly lessen in a few days. What turn that may take which arises from the want of money, is difficult to be foreseen. Mr. Neckar is totally without influence in the National Assembly, and is, I believe, not satisfied with this want of importance. That Assembly has just finished their bill of rights. The question will then be, whether to take up first the constitution or the business of finance.

No plan of a constitution has been yet given in. But I can state to you the outlines of what the leading members have in contemplation. The executive power in a hereditary King, with power of dissolving the legislature, and a negative on their laws; his authority in forming treaties to be greatly restrained. The legislative to be a single House of representatives, chosen for two or three years. They propose a body whom they call a Senate, to be chosen by the Provincial Assemblies, as our federal Senate is, but with no power of negativing or amending laws; they may only remonstrate on them to the representatives, who will decide by a simple majority the ultimate event of the law. This body will therefore be a mere council of revision. It is proposed that they shall be of a certain age and property, and be for life. They may make them also their court of impeachment. They will suppress the parliaments, and establish a system of judicature somewhat like that of England, with trial by jury in criminal cases, perhaps also in civil. Each province will have a subordinate provincial government, and the great cities, a municipal one on a free basis. These are the ideas and views of the most distinguished members. But they may suffer great modifications from the Assembly, and the longer the delay, the greater will be

the modifications. Considerable interval having taken place since any popular execution, the aristocratic party is raising its head. They are strengthened by a considerable defection from the patriots, in consequence of the general suppression of the abuses of the 4th of August, in which many were interested. Another faction too, of the most desperate views, has acquired strength in the Assembly, as well as out of it. These wish to dethrone the reigning branch, and transfer the crown to the Duke d'Orleans. The members of this faction are mostly persons of wicked and desperate fortunes, who have nothing at heart but to pillage from the wreck of their country. The Duke himself is as unprincipled as his followers; sunk in debaucheries of the lowest kind, and incapable of quitting them for business; not a fool, yet not head enough to conduct anything. In fact, I suppose him used merely as a tool, because of his immense wealth, and that he acquired a certain degree of popularity by his first opposition to the government, then credited to him as upon virtuous motives. He is certainly borrowing money on a large scale. He is in understanding with the court of London, where he had been long in habits of intimacy. The ministry here are apprehensive, that that ministry will support his designs by war. I have no idea of this, but no doubt, at the same time, that they will furnish him money liberally to aliment a civil war, and prevent the regeneration of this country.

It was suggested to me, some days ago, that the court of Versailles were treating with that of London, for a surrender of their West India possessions, in consideration of a great sum of money to relieve their present distress. Every principle of common sense was in opposition to this fact; yet it was so affirmed as to merit inquiry. I became satisfied the government had never such an idea; but that the story was not without foundation altogether; that something like this was in contemplation between the faction of Orleans and the court of London, as a means of obtaining money from that court. In a conversation with the Count de Montmorin, two days ago, he told me their colonies were speaking a language which gave them uneasiness, and for

which there was no foundation. I asked him if he knew anything of what I have just mentioned. He appeared unapprized of it, but to see at once that it would be a probable speculation between two parties circumstanced and principled as those two are. I apologized to him for the inquiries I had made into this business, by observing that it would be much against our interest, that any one power should monopolize all the West India islands. "Parde, assurement," was his answer.

The *emancipation* of their islands is an idea prevailing in the minds of several members of the National Assembly, particularly those most enlightened and most liberal in their views. Such a step by this country would lead to other emancipations or revolutions in the same quarter. I enclose you some papers received from Mr. Carmichael, relative to the capture of one of our vessels by a Morocco cruiser, and restitution by the Emperor. I shall immediately write to M. Chiappe, to express a proper sense of the Emperor's friendly dispositions to us. I forward also the public papers to the present date; and have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

PARIS, August 28, 1789.

DEAR SIR,—My last to you was of July the 22d. Since that, I have received yours of May the 27th, June 13th and 30th. The tranquillity of the city has not been disturbed since my last. Dissensions between the French and Swiss guards occasioned some private combats, in which five or six were killed. These dissensions are made up. The want of bread for some days past, has greatly endangered the peace of the city. Some get a little, some none at all. The poor are the best served, because they besiege perpetually the doors of the bakers. Notwithstanding this distress, and the palpable importance of the city administration to furnish bread to the city, it was not till yesterday,

that general leave was given to the bakers to go into the country and buy flour for themselves as they can. This will soon relieve us, because the wheat harvest is well advanced. Never was there a country where the practice of governing too much, had taken deeper root and done more mischief. Their declaration of rights is finished. If printed in time, I will enclose a copy with this. It is doubtful whether they will now take up the finance or the constitution first. The distress for money endangers everything. No taxes are paid, and no money can be borrowed. Mr. Neckar was yesterday to give in a memoir to the Assembly, on this subject. I think they will give him leave to put into execution any plan he pleases, so as to debarrass themselves of this, and take up that of the constitution. No plan is yet reported; but the leading members (with some small difference of opinion) have in contemplation the following: The executive power in a hereditary King, with a negative on laws, and power to dissolve the legislature; to be considerably restrained in the making of treaties, and limited in his expenses. The legislative is a House of representatives. They propose a Senate also, chosen on the plan of our federal Senate by the Provincial Assemblies, but to be for life, of a certain age (they talk of forty years), and certain wealth (four or five hundred guineas a year), but to have no other power against the laws but to remonstrate against them to the representatives, who will then determine their fate by a simple majority. This, you will readily perceive, is a mere council of revision, like that of New York, which, in order to be something, must form an alliance with the King, to avail themselves of his veto. The alliance will be useful to both, and to the nation. The representatives to be chosen every two or three years. The judiciary system is less prepared than any other part of the plan; however, they will abolish the parliaments, and establish an order of judges and justices, general and provincial, a good deal like ours, with trial by jury in criminal cases certainly, perhaps also in civil. The provinces will have Assemblies for their provincial government, and the cities a municipal body for municipal government, all

founded on the basis of popular election. These subordinate governments, though completely dependent on the general one, will be intrusted with almost the whole of the details which our State governments exercise. They will have their own judiciary, final in all but great cases, the executive business will principally pass through their hands, and a certain local legislature will be allowed them. In short, ours has been professedly their model, in which such changes are made as a difference of circumstances rendered necessary, and some others neither necessary nor advantageous, but into which men will ever run, when versed in theory and new in the practice of government, when acquainted with man only as they see him in their books and not in the world. This plan will undoubtedly undergo changes in the Assembly, and the longer it is delayed, the greater will be the changes; for that Assembly, or rather the patriotic part of it, hooped together heretofore by a common enemy, are less compact since their victory. That enemy (the civil and ecclesiastical aristocracy) begins to raise its head. The lees, too, of the patriotic party, of wicked principles and desperate fortunes, hoping to pillage something in the wreck of their country, are attaching themselves to the faction of the Duke of Orleans; that faction is caballing with the populace, and intriguing at London, the Hague, and Berlin, and have evidently in view the transfer of the crown to the Duke of Orleans. He is a man of moderate understanding, of no principle, absorbed in low vice, and incapable of extracting himself from the filth of that, to direct anything else. His name and his money, therefore, are mere tools in the hands of those who are duping him. * * * * * They may produce a temporary confusion, and even a temporary civil war, supported, as they will be, by the money of England; but they cannot have success ultimately. The King, the mass of the substantial people of the whole country, the army, and the influential part of the clergy, form a firm phalanx which must prevail. Should those delays which necessarily attend the deliberations of a body of one thousand two hundred men, give time to this plot to ripen and burst, so as to break up the Assembly before

anything definite is done, a constitution, the principles of which are pretty well settled in the minds of the Assembly, will be proposed by the national militia (* * * * *), urged by the individual members of the Assembly, signed by the King, and supported by the nation, to prevail till circumstances shall permit its revision and more regular sanction. This I suppose the *pis aller* of their affairs, while their probable event is a peaceable settlement of them. They fear a war from England, Holland, and Prussia. I think England will give money, but not make war. Holland would soon be a fire, internally, were she to be embroiled in external difficulties. Prussia must know this, and act accordingly.

It is impossible to desire better dispositions towards us than prevail in this Assembly. Our proceedings have been viewed as a model for them on every occasion; and though in the heat of debate, men are generally disposed to contradict every authority urged by their opponents, ours has been treated like that of the Bible, open to explanation, but not to question. I am sorry that in the moment of such a disposition, anything should come from us to check it. The placing them on a mere footing with the English, will have this effect. When of two nations, the one has engaged herself in a ruinous war for us, has spent her blood and money to save us, has opened her bosom to us in peace, and received us almost on the footing of her own citizens, while the other has moved heaven, earth, and hell to exterminate us in war, has insulted us in all her councils in peace, shut her doors to us in every part where her interests would admit it, libelled us in foreign nations, endeavored to poison them against the reception of our most precious commodities; to place these two nations on a footing, is to give a great deal more to one than to the other, if the maxim be true, that to make unequal quantities equal, you must add more to one than the other. To say, in excuse, that gratitude is never to enter into the motives of national conduct, is to revive a principle which has been buried for centuries with its kindred principles of the lawfulness of assassination, poison, perjury, &c. All of these were legitimate principles in the dark

ages which intervened between ancient and modern civilization, but exploded and held in just horror in the eighteenth century. I know but one code of morality for men, whether acting singly or collectively. He who says I will be a rogue when I act in company with a hundred others, but an honest man when I act alone, will be believed in the former assertion, but not in the latter. I would say with the poet, "*hic niger est, hunc tu Romane cavato.*" If the morality of one man produces a just line of conduct in him, acting individually, why should not the morality of one hundred men produce a just line of conduct in them, acting together? But I indulge myself in these reflections, because my own feelings run me into them; with you they were always acknowledged. Let us hope that our new government will take some other occasions to show, that they mean to proscribe no virtue from the canons of their conduct with other nations. In every other instance, the new government has ushered itself to the world as honest, masculine, and dignified. It has shown genuine dignity, in my opinion, in exploding adulatory titles; they are the offerings of abject baseness, and nourish that degrading vice in the people.

I must now say a word on the declaration of rights, you have been so good as to send me. I like it, as far as it goes; but I should have been for going further. For instance, the following alterations and additions would have pleased me. Article 4. "The people shall not be deprived of their right to speak, to write, or *otherwise* to publish anything but false facts affecting injuriously the life, liberty, property or reputation of others, or affecting the peace of the confederacy with foreign nations. Article 7. All facts put in issue before any judicature, shall be tried by jury, except, 1, in cases of admiralty jurisdiction, wherein a foreigner shall be interested; 2, in cases cognizable before a court martial, concerning only the regular officers and soldiers of the United States, or members of the militia in actual service in time of war or insurrection; and 3, in impeachments allowed by the constitution. Article 8. No person shall be held in confinement more than —— days after he shall have demanded and been refused a

writ of habeas corpus by the judge appointed by law, nor more than —— days after such a writ shall have been served on the person holding him in confinement, and no order given on due examination for his remandment or discharge, nor more than —— hours in any place at a greater distance than —— miles from the usual residence of some judge authorized to issue the writ of habeas corpus; nor shall that writ be suspended for any term exceeding one year, nor in any place more than —— miles distant from the State or encampment of enemies or of insurgents. Article 9. Monopolies may be allowed to persons for their own productions in literature, and their own inventions in the arts, for a term not exceeding —— years, but for no longer term, and no other purpose. Article 10. All troops of the United States shall stand *ipso facto* disbanded, at the expiration of the term for which their pay and subsistence shall have been last voted by Congress, and all officers and soldiers, not natives of the United States, shall be incapable of serving in their armies by land, except during a foreign war." These restrictions I think are so guarded, as to hinder evil only. However, if we do not have them now, I have so much confidence in my countrymen, as to be satisfied that we shall have them as soon as the degeneracy of our government shall render them necessary.

I have no certain news of Paul Jones. I understand only, in a general way, that some persecution on the part of his officers occasioned his being called to St. Petersburg, and that though protected against them by the Empress, he is not yet restored to his station. Silas Deane is coming over to finish his days in America, not having one sous to subsist on, elsewhere. He is a wretched monument of the consequences of a departure from right. I will, before my departure, write Colonel Lee fully the measures I have pursued to procure success in his business, and which as yet offer little hope; and I shall leave it in the hands of Mr. Short to be pursued, if any prospect opens on him. I propose to sail from Havre as soon after the first of October as I can get a vessel; and shall consequently leave this place a week earlier than that. As my daughters will be with me, and their baggage

somewhat more than that of mere *voyageures*, I shall endeavor, if possible, to obtain a passage for Virginia directly. Probably I shall be there by the last of November. If my immediate attendance at New-York should be requisite for any purpose, I will leave them with a relation near Richmond, and proceed immediately to New York. But as I do not foresee any pressing purpose for that journey immediately on my arrival, and as it will be a great saving of time, to finish at once in Virginia, so as to have no occasion to return there after having once gone to the northward, I expect to proceed to my own house directly. Staying there two months (which I believe will be necessary), and allowing for the time I am on the road, I may expect to be at New York in February, and to embark from thence or some eastern port.

You ask me if I would accept any appointment on that side of the water? You know the circumstances which led me from retirement, step by step, and from one nomination to another, up to the present. My object is a return to the same retirement; whenever, therefore, I quit the present, it will not be to engage in any other office, and most especially any one which would require a constant residence from home. The books I have collected for you will go off for Havre in three or four days, with my baggage. From that port, I shall try to send them by a direct occasion to New York. I am, with great and sincere esteem, dear Sir, your affectionate friend and servant.

P. S. I just now learn that Mr. Neckar proposed yesterday to the National Assembly a loan of eighty millions, on terms more tempting to the lender than the former, and that they approved it, leaving him to arrange the details, in order that they might occupy themselves at once about to the constitution.

TO JAMES MADISON.

PARIS, September 6, 1789.

DEAR SIR,—I sit down to write to you without knowing by what occasion I shall send my letter. I do it, because a subject

comes into my head, which I would wish to develop a little more than is practicable in the hurry of the moment of making up general despatches.

The question, whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. The course of reflection in which we are immersed here, on the elementary principles of society, has presented this question to my mind; and that no such obligation can be transmitted, I think very capable of proof. I set out on this ground, which I suppose to be self-evident, that the *earth belongs in usufruct to the living;* that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of its lands in severality, it will be taken by the first occupants, and these will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to its creditor. But the child, the legatee or creditor, takes it, not by natural right, but by a law of the society of which he is a member, and to which he is subject. Then, no man can, by *natural right*, oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might during his own life, eat up the usufruct of the lands for several generations to come; and then the lands would belong to the dead, and not to the living, which is the reverse of our principle.

What is true of every member of the society, individually, is true of them all collectively; since the rights of the whole can be no more than the sum of the rights of the individuals. To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same

day, leaving a succeeding generation in the moment of attaining their mature age, all together. Let the ripe age be supposed of twenty-one years, and their period of life thirty-four years more, that being the average term given by the bills of mortality to persons of twenty-one years of age. Each successive generation would, in this way, come and go off the stage at a fixed moment, as individuals do now. Then I say, the earth belongs to each of these generations during its course, fully and in its own right. The second generation receives it clear of the debts and incumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the earth would belong to the dead and not to the living generation. Then, no generation can contract debts greater than may be paid during the course of its own existence. At twenty-one years of age, they may bind themselves and their lands for thirty-four years to come; at twenty-two, for thirty-three; at twenty-three, for thirty-two; and at fifty-four, for one year only; because these are the terms of life which remain to them at the respective epochs. But a material difference must be noted, between the succession of an individual and that of a whole generation. Individuals are parts only of a society, subject to the laws of a whole. These laws may appropriate the portion of land occupied by a decedent, to his creditor, rather than to any other, or to his child, on condition he satisfies the creditor. But when a whole generation, that is, the whole society, dies, as in the case we have supposed, and another generation or society succeeds, this forms a whole, and there is no superior who can give their territory to a third society, who may have lent money to their predecessors, beyond their faculties of paying.

What is true of generations succeeding one another at fixed epochs, as has been supposed for clearer conception, is true for those renewed daily, as in the actual course of nature. As a majority of the contracting generation will continue in being thirty-four years, and a new majority will then come into possession, the former may extend their engagement to that term, and no longer. The conclusion then, is, that neither the representa-

tives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time, that is to say, within thirty-four years of the date of the engagement.

To render this conclusion palpable, suppose that Louis the XIV. and XV. had contracted debts in the name of the French nation, to the amount of ten thousand milliards, and that the whole had been contracted in Holland. The interest of this sum would be five hundred milliards, which is the whole rent-roll or net proceeds of the territory of France. Must the present generation of men have retired from the territory in which nature produces them, and ceded it to the Dutch creditors? No; they have the same rights over the soil on which they were produced, as the preceding generations had. They derive these rights not from them, but from nature. They, then, and their soil are, by nature, clear of the debts of their predecessors To present this in another point of view, suppose Louis XV. and his cotemporary generation, had said to the money lenders of Holland, give us money, that we may eat, drink, and be merry in our day; and on condition you will demand no interest till the end of thirty-four years, you shall then, forever after, receive an annual interest of fifteen per cent. The money is lent on these conditions, is divided among the people, eaten, drunk, and squandered. Would the present generation be obliged to apply the produce of the earth and of their labor, to replace their dissipations? Not at all.

I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing, habitually, in private life, that he who succeeds to lands is required to pay the debts of his predecessor; without considering that this requisition is municipal only, not moral, flowing from the will of the society, which has found it convenient to appropriate the lands of a decedent on the condition of a payment of his debts; but that between society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature.

The interest of the national debt of France being, in fact, but a two thousandth part of its rent-roll, the payment of it is practicable enough; and so becomes a question merely of honor or of expediency. But with respect to future debts, would it not be wise and just for that nation to declare in the constitution they are forming, that neither the legislature nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of thirty-four years? And that all future contracts shall be deemed void, as to what shall remain unpaid at the end of thirty-four years from their date? This would put the lenders, and the borrowers also, on their guard. By reducing, too, the faculty of borrowing within its natural limits, it would bridle the spirit of war, to which too free a course has been procured by the inattention of money lenders to this law of nature, that succeeding generations are not responsible for the preceding.

On similar ground it may be proved, that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation: they may manage it, then, and what proceeds from it, as they please, during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors are extinguished then, in their natural course, with those whose will gave them being. This could preserve that being, till it ceased to be itself, and no longer. Every constitution, then, and every law, naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force, and not of right. It may be said, that the succeeding generation exercising, in fact, the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to thirty-four years only. In the first place, this objection admits the right, in proposing an equivalent. But the power of repeal is not an equivalent. It might be, indeed, if every form of government were so perfectly contrived, that the will of the majority could always be obtained, fairly

and without impediment. But this is true of no form. The people cannot assemble themselves; their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils, bribery corrupts them, personal interests lead them astray from the general interests of their constituents; and other impediments arise, so as to prove to every practical man, that a law of limited duration is much more manageable than one which needs a repeal.

This principle, that the earth belongs to the living and not to the dead, is of very extensive application and consequences in every country, and most especially in France. It enters into the resolution of the questions, whether the nation may change the descent of lands holden in tail; whether they may change the appropriation of lands given anciently to the church, to hospitals, colleges, orders of chivalry, and otherwise in perpetuity; whether they may abolish the charges and privileges attached on lands, including the whole catalogue, ecclesiastical and feudal; it goes to hereditary offices, authorities and jurisdictions, to hereditary orders, distinctions and appellations, to perpetual monoplies in commerce, the arts or sciences, with a long train of *et ceteras;* and it renders the question of reimbursement, a question of generosity and not of right. In all these cases, the legislature of the day could authorize such appropriations and establishments for their own time, but no longer; and the present holders, even where they or their ancestors have purchased, are in the case of *bona fide* purchasers of what the seller had no right convey.

Turn this subject in your mind, my dear Sir, and particularly as to the power of contracting debts, and develop it with that cogent logic which is so peculiarly yours. Your station in the councils of our country gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush it may be laughed at, as the dream of a theorist; but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first law for appropriating

the public revenue; and it will exclude, at the threshold of our new government, the ruinous and contagious errors of this quarter of the globe, which have armed despots with means which nature does not sanction, for binding in chains their fellow-men. We have already given, in example, one effectual check to the dog of war, by transferring the power of declaring war from the executive to the legislative body, from those who are to spend, to those who are to pay. I should be pleased to see this second obstacle held out by us also, in the first instance. No nation can make a declaration against the validity of long-contracted debts, so disinterestedly as we, since we do not owe a shilling which will not be paid, principal and interest, by the measures you have taken, within the time of our own lives. I write you no news, because when an occasion occurs, I shall write a separate letter for that.

I am always, with great and sincere esteem, dear Sir, your affectionate friend and servant.

TO DR. GEM.

The hurry in which I wrote my letter to Mr. Madison, which is in your hands, occasioned an inattention to the difference between generations succeeding each other at fixed epochs, and generations renewed daily and hourly. It is true that in the former case, the generation when at twenty-one years of age, may contract a debt for thirty-four years, because a majority of them will live so long. But a generation consisting of all ages, and which legislates by all its members above the age of twenty-one years, cannot contract for so long a time, because their majority will be dead much sooner. Buffon gives us a table of twenty-three thousand nine hundred and ninety-four deaths, stating the ages at which they happened. To draw from these the result I have occasion for, I suppose a society in which twenty-three thousand nine hundred and ninety-four persons are born every year, and live to the age stated in Buffon's table. Then,

he following inferences may be drawn. Such a society will consist constantly of six hundred and seventeen thousand seven hundred and three persons, of all ages. Of those living at any one instant of time, one half will be dead in twenty-four years and eight months. In such a society, ten thousand six hundred and seventy-five, will arrive every year at the age of twenty-one years complete. It will constantly have three hundred and forty-eight thousand four hundred and seventeen persons of all ages above twenty-one years, and the half of those of twenty-one years and upwards living at any one instant of time, will be dead in eighteen years and eight months, or say nineteen years.

Then, the contracts, constitutions and laws of every such society become void in nineteen years from their date.

TO E. RUTLEDGE.

PARIS, September 18, 1789.

DEAR SIR,—I have duly received your favor by Mr. Cutting, enclosing the paper from Doctor Trumbull, for which I am very thankful. The conjecture that inhabitants may have been carried from the coast of Africa to that of America, by the trade winds, is possible enough; and its probability would be greatly strengthened by ascertaining a similarity of language, which I consider as the strongest of all proofs of consanguinity among nations. Still a question would remain between the red men of the eastern and western sides of the Atlantic, which is the stock, and which the shoot? If a fact be true, which I suspect to be true, that there is a much greater number of radical languages among those of America than among those of the other hemisphere, it would be a proof of superior antiquity, which I can conceive no arguments strong enough to overrule.

When I received your letter, the time of my departure was too near, to permit me to obtain information from Constantinople, relative to the demand and price of rice there. I therefore wrote to a merchant at Versailles, concerned in the Levant trade, for the

prices current of rice at Constantinople and at Marseilles for several years past. He has sent me only the present price at Marseilles, and that of a particular cargo at Constantinople. I send you a copy of his letter. The Algerines form an obstacle; but the object of our commerce in the Mediterranean is so immense, that we ought to surmount that obstacle, and I believe it could be done by means in our power, and which, instead of fouling us with the dishonorable and criminal baseness of France and England, will place us in the road to respect with all the world.

I have obtained, and enclose to you, a state of all the rice imported into this country in the course of one year, which shows its annual consumption to be between eighty-one and eighty-two thousand quintals. I think you may supplant all the other furnishing States, except as to what is consumed at Marseilles and its neighborhood. In fact, Paris is the place of main consumption. Havre, therefore, is the port of deposit, where you ought to have one or two honest, intelligent and active consignees. The ill success of a first or second experiment should not damp the endeavors to open this market fully, but the obstacles should be forced by perseverance. I have obtained from different quarters seeds of the dry rice; but having had time to try them, I find they will not vegetate, having been too long kept. I have still several other expectations from the East Indies. If this rice be as good, the object of health will render it worth experiment with you. Cotton is a precious resource, and which cannot fail with you. I wish the cargo of olive plants sent by the way of Baltimore, and that which you will perceive my correspondent is preparing now to send, may arrive to you in good order. This is the object for the patriots of your country; for that tree once established there, will be the source of the greatest wealth and happiness. But to insure success, perseverance may be necessary. An essay or two may fail. I think, therefore, that an annual sum should be subscribed, and it need not be a great one. A common country laborer should be engaged to make it his sole occupation, to prepare and pack plants and berries at Marseilles,

and in the autumn to go with them himself through the canal of Languedoc to Bordeaux, and there to stay with them till he can put them on board a vessel bound directly for Charleston; and this repeated annually, till you have a sufficient stock insured, to propagate from without further importation. I should guess that fifty guineas a year would do this, and if you think proper to set such a subscription afoot, write me down for ten guineas of the money, yearly, during my stay in France, and offer my superintendence of the business on this side the water, if no better can be had.

Mr. Cutting does full justice to the honorable dispositions of the legislature of South Carolina towards their foreign creditors. None have yet come into the propositions sent to me, except the Van Staphorts.

The danger of famine here, has not ceased with a plentiful harvest. A new and unskilful administration has not yet got into the way of bringing regular supplies to the Capital. We are in danger of hourly insurrection for the want of bread; and an insurrection once begun for that cause, may associate itself with those discontented for other causes, and produce incalculable events. But if the want of bread does not produce a commencement of disorder, I am of opinion the other discontents will be stifled, and a good and free constitution established without opposition. In fact, the mass of the people, the clergy and army (excepting the higher orders of the three bodies), are in as compact an union as can be. The National Assembly have decided that their executive shall be hereditary, and shall have a suspensive negative on the laws; that the legislature shall be of one House, annual in its sessions and biennial in its elections. Their declaration of rights will give you their other general views. I am just on my departure for Virginia, where the arrangement of my affairs will detain me the winter; after which (say in February) I shall go on to New York, to embark from some northern port for France. In the meanwhile and always, I am, with great and sincere esteem, dear Sir, your friend and servant.

TO JOHN JAY.

PARIS, September 19, 1789.

SIR,—I had the honor of addressing you on the 30th of the last month. Since that, I have taken the liberty of consigning to you a box of officer's muskets, containing half a dozen, made by the person and on the plan which I mentioned to you in a letter which I cannot turn to at this moment, but I think it was of the year 1785. A more particular account of them you will find in the enclosed copy of a letter which I have written to General Knox. The box is marked T. J. No. 36, is gone to Havre, and will be forwarded to you by the first vessel bound to New York, by Mr. Nathaniel Cutting, an American gentleman establishing himself there.

Recalling to your mind the account I gave you of the number and size of ships fitted out by the English last year, for the northern whale fishery, and comparing with it what they have fitted out this year, for the same fishery, the comparison will stand thus:

Years.	Vessels.	Tons.	Men.
1788.	255	75,436	10,710
1789.	178	51,473	7,476
Difference.	77	23,963	3,234

By which you will perceive, that they have lost a third of that fishery in one year, which I think almost entirely, if not quite, ascribable to the shutting the French ports against their oil. I have no account of their southern fishery of the present year.

As soon as I was informed that our bankers had the money ready for the redemption of our captives, I went to the General of the order of the Holy Trinity, who retained all his dispositions to aid us in that business. Having a very confidential agent at Marseilles, better acquainted than himself with the details, he wrote to him for his opinion and information on the subject. I enclose you a copy of his answer, the original of which was communicated to me. I thereupon have authorized the General

to go as far as three thousand livres a head, for our captives, and for this purpose, to adopt the plan proposed, of sending one of his own religion at our expense, (which will be small,) or any other plan he thinks best. The honesty and goodness of his character places us in safety in his hands. To leave him without any hesitation in engaging himself for such a sum of money, it was necessary to deposit it in a banker's hands here. Mr. Grand's were agreeable to him, and I have therefore desired our banker at Amsterdam, to remit it here. I do not apprehend, in the progress of the present revolution, anything like a general bankruptcy which should pervade the whole class of bankers. Were such an event to appear imminent, the excessive caution of the house of Grand and Company, establishes it in the general opinion as the last that would give way, and consequently would give time to withdraw this money from their hands. Mr. Short will attend to this, and will withdraw the money on the first well-founded appearance of danger. He has asked me what he shall do with it? Because it is evident, that when Grand cannot be trusted, no other individual at Paris can, and a general bankruptcy can only be the effect of such disorders, as would render every private house an insecure deposit. I have not hesitated to say to him, in such an event, "pay it to the government." In this case, it becomes only a change of destination and no loss at all. But this has passed between us for greater caution only, and on the worst case supposable; for though a suspension of payment by government might affect the bankers a little, I doubt if any of them have embarked so much in the hands of government as to endanger failure, and especially as they have had such long warning.

You will have known, that the ordinance passed by M. de Chillon in St. Domingo, for opening ports to our importations in another part of the island, was protested against by Marbois. He had always led the Count de La Luzerne by the nose, while Governor of that island. Marbois' representations, and Luzerne's prepossessions against our trade with their colonies, occasioned him, as minister of that department, not only to reverse the ordinance,

but to recall Chillon and send out a successor. Chillon has arrived here, and having rendered himself very popular in the islands, their deputies in the National Assembly have brought the question before them. The Assembly has done nothing more, as yet, than to appoint a committee of inquiry. So much of Chillon's ordinance as admitted the importation of our provisions, is continued for a time. M. de Marbois, too, is recalled, I know not why or how. M. de La Luzerne's conduct will probably come under view only incidentally to the general question urged by the colony deputies, whether they shall not be free in future, to procure provisions where they can procure them cheapest? But the deputies are disposed to treat M. de La Luzerne roughly. This, with the disgrace of his brother, the bishop de Langres, turned out of the presidentship of the National Assembly, for partiality in office to the aristocratic principles, and the disfavor of the Assembly towards M. de La Luzerne himself, as having been formerly of the *plot* (as they call it) with Breteuil and Broglio, will probably occasion him to be out of office soon.

The Treasury board have no doubt attended to the necessity of giving timely orders for the payment of the February interest at Amsterdam. I am well informed that our credit is now the first at that exchange, (England not borrowing at present.) Our five per cent. bonds have risen to ninety-seven and ninety-nine. They have been heretofore at ninety-three. There are, at this time, several companies and individuals here, in England and Holland, negotiating to sell large parcels of our *liquidated debt*. A bargain was concluded by one of these the other day, for six hundred thousand dollars. In the present state of our credit, every dollar of this debt will probably be transferred to Europe within a short time.

September the 20th. The combination of bankers and other ministerial tools, had led me into the error (when I wrote my last letter) into which they had led most people, that the loan lately opened here went on well. The truth is, that very little has been borrowed, perhaps not more than six or eight millions. The King and his ministers were yesterday to carry their plate

to the mint. The ladies are giving up their jewels to the National Assembly. A contribution of plate in the time of Louis XV. is said to have carried about eight millions to the treasury. Plate is much more common now, and therefore, if the example prevail now in the same degree it did then, it will produce more. The contribution of jewels will hardly be general, and will be unproductive. Mr. Neckar is, on the 25th, to go to the Assembly, to make some proposition. The hundredth penny is talked of.

The Assembly proceeds slowly in the forming their constitution. The original vice of their numbers causes this, as well as a tumultuous manner of doing business. They have voted that the elections of the legislature shall be biennial; that it shall be of a single body; but they have not yet decided what shall be its number, or whether they shall be all in one room, or in two, (which they call a division into sections). They have determined that the King shall have a *suspensive and iterative veto;* that is, that after negativing a law, it cannot be presented again till after a new election. If he negatives it then, it cannot be presented a third time till after another new election. If it be then presented, he is obliged to pass it. This is perhaps justly considered as a more useful negative than an absolute one, which a King would be afraid to use. Mr. Neckar's influence with the Assembly is nothing at all. Having written to them, by order of the King, on the subject of the veto, before it was decided, they refused to let his letter be read. Again, lately, when they desired the sanction of the King to their proceedings of the fourth of August, he wrote in the King's name a letter to them, remonstrating against an immediate sanction to the whole; but they persisted, and the sanction was given. His disgust at this want of influence, together with the great difficulties of his situation, make it believed that he is desirous of resigning. The public stocks were extremely low the day before yesterday. The *caisse d'escompte* at three thousand six hundred and forty, and the loan of one hundred and twenty-five millions, of 1784, was at fifteen per cent. loss. Yesterday they rose a little.

The sloth of the Assembly (unavoidable from their number)

has done the most sensible injury to the public cause. The patience of a people who have less of that quality than any other nation in the world, is worn thread-bare. Time has been given to the aristocrats to recover from their panic, to cabal, to sow dissensions in the Assembly, and distrust out of it. It has been a misfortune, that the King and aristocracy together have not been able to make a sufficient resistance, to hoop the patriots in a compact body. Having no common enemy of such force as to render their union necessary, they have suffered themselves to divide. The assembly now consists of four distinct parties. 1. The aristocrats, comprehending the higher members of the clergy, military, nobility, and the parliaments of the whole kingdom. This forms a head without a body. 2. The moderate royalists, who wish for a constitution nearly similar to that of England. 3. The republicans, who are willing to let their first magistracy be hereditary, but to make it very subordinate to the legislature, and to have that legislature consist of a single chamber. 4. The faction of Orleans. The second and third descriptions are composed of honest, well-meaning men, differing in opinion only, but both wishing the establishment of as great a degree of liberty as can be preserved. They are considered together as constituting the patriotic part of the Assembly, and they are supported by the soldiery of the army, the soldiery of the clergy, that is to say, the Curés and monks, the dissenters, and part of the nobility which is small, and the substantial Bourgeoise of the whole nation. The part of these collected in the cities, have formed themselves into municipal bodies, have chosen municipal representatives, and have organized an armed corps, considerably more numerous in the whole than the regular army. They have also the ministry, such as it is, and as yet, the King. Were the second and third parties, or rather these sections of the same party, to separate entirely, this great mass of power and wealth would be split, nobody knows how. But I do not think they will separate; because they have the same honest views; because, each being confident of the rectitude of the other, there is no rancor between them; because they retain the desire of coalescing. In

order to effect this, they not long ago proposed a conference, and desired it might be at my house, which gave me an opportunity of judging of their views. They discussed together their points of difference for six hours, and in the course of discussion agreed on mutual sacrifices. The effect of this agreement has been considerably defeated by the subsequent proceedings of the Assembly, but I do not know that it has been through any infidelity of the leaders to the compromise they had agreed on. Another powerful bond of union between these two parties, is our friend the Marquis de La Fayette. He left the Assembly while they as yet formed but one party. His attachment to both is equal, and he labors incessantly to keep them together. Should he be obliged to take part against either, it will be against that which shall first pass the Rubicon of reconciliation with the other. I should hope, in this event, that his weight would be sufficient to turn the scale decidedly in favor of the other. His command of the armed militia of Paris (thirty thousand in number, and comprehending the French guards who are five thousand regulars), and his influence with the municipality, would secure their city; and though the armed militia and municipalities of the other cities are in nowise subordinate to those of Paris, yet they look up to them with respect, and look particularly to the Marquis de La Fayette, as leading always to the rights of the people. This turn of things is so probable, that I do not think either section of the patriots will venture on any act, which will place themselves in opposition to him.

This being the face of things, troubled as you will perceive, civil war is much talked of and expected; and this talk and expectation has a tendency to beget it. What are the events which may produce it? 1. The want of bread, were it to produce a commencement of disorder, might ally itself to more permanent causes of discontent, and thus continue the effect beyond its first cause. The scarcity of bread, which continues very great amidst a plenty of corn, is an enigma which can be solved only by observing, that the furnishing the city is in the new municipality, not yet masters of their trade. 2. A public bankruptcy. Great

numbers of the lower as well as higher classes of the citizens, depend for subsistence on their property in the public funds. 3. The absconding of the King from Versailles. This has for some time been apprehended as possible. In consequence of this apprehension, a person whose information would have weight, wrote to the Count de Montmorin, adjuring him to prevent it by every possible means, and assuring him that the flight of the King would be the signal of a St. Barthelemi against the aristocrats in Paris, and perhaps through the kingdom. M. de Montmorin showed the letter to the Queen, who assured him solemnly that no such thing was in contemplation. His showing it to the Queen, proves he entertained the same mistrust with the public. It may be asked, what is the Queen disposed to do in the present situation of things? Whatever rage, pride and fear can dictate in a breast which never knew the presence of one moral restraint.

Upon the whole, I do not see it as yet probable that any actual commotion will take place; and if it does take place, I have strong confidence that the patriotic party will hold together, and their party in the nation be what I have described it. In this case, there would be against them the aristocracy and the faction of Orleans. This consists, at this time, of only the Catalines of the Assembly, and some of the lowest description of the mob. Its force, *within the kingdom*, must depend on how much of this last kind of people it can debauch with money from its present bias to the right cause. This bias is as strong as any one can be, in a class which must accept its bread from him who will give it. Its resources *out of the kingdom* are not known. Without doubt, England will give money to produce and to feed the fire which should consume this country; but it is not probable she will engage in open war for that. If foreign troops should be furnished, it would be most probably by the King of Prussia, who seems to offer himself as the bull-dog of tyranny to all his neighbors. He might, too, be disturbed by the contagion of the same principles gaining his own subjects, as they have done those of the Austrian Netherlands, Liege, Cologne, and

Hesse Cassel. The army of the latter Prince, joining with his subjects, are said to have possessed themselves of the treasures he had amassed by hiring troops to conquer us, and by other iniquities. Fifty-four millions of livres is the sum mentioned. But all these means, external and internal, must prove inadequate to their ultimate object, if the nation be united as it is at present. Expecting within a few days to leave Paris, and that this is my last letter on public subjects, I have indulged myself in giving you a general view of things, as they appear to me at the time of my leaving them. Mr. Short will have the honor of continuing the narration, and of correcting it, where circumstances unknown or unforeseen may give a different turn to events.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MR. NECKAR.

PARIS, September 26, 1789.

SIR,—I had the honor of waiting on you at Versailles the day before yesterday, in order to present my respects on my departure to America. I was unlucky in the moment, as it was one in which you were gone out.

I wished to have put into your hands, at the same time, the enclosed state of the British northern fishery for the years 1788 and 1789, by which you will see that they have lost in one year one-third of that fishery, the effect, almost solely, of the *Arret* which shut the ports of France to their oils.

I wished also to know, whether, while in America, I could be useful towards encouraging supplies of provision to be brought to this country the ensuing year. I am persuaded a considerable relief to the city of Paris might be obtained, by permitting the importation of salted provisions from the United States. Our salted beef particularly (which, since the war, we have learned to prepare in the Irish manner, so as to be as good as the best of that country), could be sold out to the people of Paris for the half of what they pay for fresh meat. It would seem then, that

the laborer paying but half the usual price for his meat, might pay the full price of his bread, and so relieve government from its loss on that article. The interest of the *gabelles* has been an objection hitherto, to the importation of salted provisions. But that objection is lessened by the reduction of the price of salt, and done away entirely by the desire of the present government to consider the ease and happiness of the people as the first object. In every country as fully peopled as France, it would seem good policy to encourage the employment of its lands in the cultivation of corn, rather than in pasturage, and consequently to encourage the use of all kinds of salted provisions, because they can be imported from other countries. It may be apprehended, that the Parisian, habituated to fresh provision, would not use salted. Then he would not buy them, and of course they would not be brought, so that no harm can be done by the permission. On the contrary, if the people of Paris should readily adopt the use of salted provisions, the good would result which is before mentioned. Salt meat is not as good as fresh for soups, but it gives a higher flavor to the vegetables boiled with it. The experience of a great part of America, which is fed almost entirely on it, proves it to be as wholesome as fresh meat. The sea scurvy, ascribed by some to the use of salt meat, is equally unknown in America as in Europe. It is the want of vegetables at sea which produces the scurvy. I have thus hastily mentioned reasons and objections, to save you the time and trouble of recollecting them. To you, Sir, it suffices, barely to mention them. Mr. Short, Chargé des Affaires for the United States, will have the honor of delivering you this, and of giving you any further details which you may be pleased to require.

I shall hope, on my return in the spring, to find your health re-established, and your mind relieved, by a perfect settlement of the affairs of the nation; and with my felicitations on those accounts, to express to you those sentiments of profound respect and attachment with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO JOHN JAY.

HAVRE, September 30, 1789.

DEAR SIR,—No convenient ship having offered from any port of France, I have engaged one from London to take me up at Cowes, and am so far on my way thither. She will land me at Norfolk, and as I do not know any service that would be rendered by my repairing immediately to New York, I propose, in order to economise time, to go directly to my own house, get through the business which calls me there, and then repair to New York, where I shall be ready to re-embark for Europe. But should there be any occasion for government to receive any information I can give, immediately on my arrival, I will go to New York on receiving your orders at Richmond. They may probably be there before me, as this goes by Mr. Trumbull, bound directly for New York.

I enclose you herewith the proceedings of the National Assembly on Saturday last, wherein you will perceive that the committee had approved the plan of Mr. Neckar. I can add from other sure information received here, that the Assembly adopted it the same evening. This plan may possibly keep their payments alive till their new government gets into motion; though I do not think it very certain. The public stocks lowered so exceedingly the last days of my stay at Paris, that I wrote to our bankers at Amsterdam, to desire they would retain till further orders the thirty thousand guilders, or so much of it as had not yet come on. And as to what might be already coming on, I recommended to Mr. Short to go and take the acceptance himself, and keep the bill in his own hands till the time of payment. He will by that time see what is best to be done with the money.

In taking leave of Monsieur de Montmorin, I asked him whether their West India ports would continue open to us awhile. He said they would be immediately declared open till February, and we may be sure they will be so till the next harvest. He agreed with me, that there would be two or three months' provision for the whole kingdom wanting for the ensuing year. The

consumption of bread for the whole kingdom, is two millions of livres tournois a day. The people pay the real price of their bread everywhere, except at Paris and Versailles. There the price is suffered to vary very little as to them, and government pays the difference. It has been supposed that this difference for some time past, has cost a million a week. I thought the occasion favorable to propose to Monsieur de Montmorin the free admission of our salted provisions, observing to him particularly that our salted beef from the Eastern States could be dealt out to the people of Paris for five or six sols the pound, which is but half the common price they pay for fresh beef; that the Parisian paying less for his meat, might pay more for his bread, and so relieve government from its enormous loss on that article. His idea of this resource seemed unfavorable. We talked over the objections of the supposed unhealthiness of that food, its tendency to produce scurvy, the chance of its taking with a people habituated to fresh meat, their comparative qualities of rendering vegetables eatable, and the interests of the gabelles. He concluded with saying the experiment might be tried, and with desiring me to speak with Mr. Neckar. I went to Mr. Neckar, but he had gone to the National Assembly. On my return to Paris, therefore, I wrote to him on the subject, going over the objections which Monsieur de Montmorin had started. Mr. Short was to carry the letter himself, and to pursue the subject.

Having observed that our commerce to Havre is considerably on the increase, and that most of our vessels coming there, and especially those from the eastward, are obliged to make a voyage round to the neighborhood of the Loire and Garonne for salt, a voyage attended with expense, delay, and more risk, I have obtained from the Farmers General, that they shall be supplied from their magazines at Honfleur, opposite to Havre, at a mercantile price. They fix it at present at sixty livres the *muid*, which comes to about fifteen sous, or seven and a half pence sterling our bushel; but it will vary as the price varies at the place from which they bring it. As this will be a great relief to such of our vessels coming to Havre, as might wish to take back salt, it may per-

haps be proper to notify it to our merchants. I enclose herewith Mr. Neckar's discourse to the Assembly, which was not printed till I left Paris; and have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

PART III.

LETTERS WRITTEN AFTER HIS RETURN TO THE U. S. DOWN TO THE TIME OF HIS DEATH.

1789–1826.

TO THE PRESIDENT.

CHESTERFIELD, December 15. 1789.

SIR,—I have received at this place the honor of your letters of October the 13th and November the 30th, and am truly flattered by your nomination of me to the very dignified office of Secretary of State; for which, permit me here to return you my humble thanks. Could any circumstance seduce me to overlook the disproportion between its duties and my talents, it would be the encouragement of your choice. But when I contemplate the extent of that office, embracing as it does the principal mass of domestic administration, together with the foreign, I cannot be insensible of my inequality to it; and I should enter on it with gloomy forebodings from the criticisms and censures of a public, just indeed in their intentions, but sometimes misinformed and misled, and always too respectable to be neglected. I cannot but foresee the possibility that this may end disagreeably for me, who, having no motive to public service but the public satisfaction, would certainly retire the moment that satisfaction should appear to languish. On the other hand, I feel a degree of familiarity with the duties of my present office, as far at least as I am capable of understanding its duties. The ground I have already passed over, enables me to see my way into that which is before me. The change of government too, taking place in a country

where it is exercised, seems to open a possibility of procuring from the new rulers, some new advantages in commerce, which may be agreeable to our countrymen. So that as far as my fears, my hopes, or my inclinations might enter into this question, I confess they would not lead me to prefer a change.

But it is not for an individual to choose his post. You are to marshal us as may best be for the public good; and it is only in the case of its being indifferent to you, that I would avail myself of the option you have so kindly offered in your letter. If you think it better to transfer me to another post, my inclination must be no obstacle; nor shall it be, if there is any desire to suppress the office I now hold, or to reduce its grade. In either of these cases, be so good only as to signify to me by another line your ultimate wish, and I shall conform to it cordially. If it should be to remain at New York, my chief comfort will be to work under your eye, my only shelter the authority of your name, and the wisdom of measures to be dictated by you and implicitly executed by me. Whatever you may be pleased to decide, I do not see that the matters which have called me hither, will permit me to shorten the stay I originally asked; that is to say, to set out on my journey northward till the month of March. As early as possible in that month, I shall have the honor of paying my respects to you in New York. In the meantime, I have that of tendering you the homage of those sentiments of respectful attachment with which I am, Sir, your most obedient, and most humble servant.

TO THE REV. CHARLES CLAY.

MONTICELLO, January 27, 1790.

DEAR SIR,—I had hoped that during my stay here I could have had the pleasure of seeing you in Bedford, but I find it will be too short for that. Besides views of business in that country, I had wished again to visit that greatest of our curiosities, the Natural Bridge, and did not know but you might have the same desire. I do not know yet how I am to be disposed of, whether

kept at New York, or sent back to Europe. If the former, one of my happinesses would be the possibility of seeing you there; for I understand you are a candidate for the representation of your district in Congress. I cannot be with you to give you my vote, nor do I know who are to be the competitors, but I am sure I shall be contented with such a representative as you will make; because I know you are too honest a patriot not to wish to see our country prosper by any means, though they be not exactly those you would have preferred; and that you are too well informed a politician, too good a judge of men, not to know, that the ground of liberty is to be gained by inches, that we must be contented to secure what we can get, from time to time, and eternally press forward for what is yet to get. It takes time to persuade men to do even what is for their own good. Wishing you every prosperity in this, and in all your other undertakings (for I am sure from my knowledge of you they will always be just), I am, with sincere esteem and respect, dear Sir, your friend and servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, February 11, 1790.

SIR,—I have duly received the letter of the 21st of January with which you have honored me, and no longer hesitate to undertake the office to which you are pleased to call me. Your desire that I should come on as quickly as possible, is a sufficient reason for me to postpone every matter of business, however pressing, which admits postponement. Still, it will be the close of the ensuing week before I can get away, and then I shall have to go by the way of Richmond, which will lengthen my road. I shall not fail, however, to go on with all the despatch possible, nor to satisfy you, I hope, when I shall have the honor of seeing you in New York, that the circumstances which prevent my immediate departure, are not under my control. I have now that of being, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO JOHN JAY, CHIEF JUSTICE OF THE UNITED STATES.

MONTICELLO, February 14, 1790.

DEAR SIR,—I am honored with your favor of December 12, and thank you for your friendly congratulations on my return to my native country, as well as for the interest you are pleased to express in the appointment with which I have been honored. I have thought it my duty to undertake it, though with no prepossessions in favor of my talents for executing it to the satisfaction of the public. With respect to the young gentlemen in the office of foreign affairs, their possession and your recommendation are the strongest titles. But I suppose the ordinance establishing my office, allows but one assistant; and I should be wanting in candor to you and them, were I not to tell you that another candidate has been proposed to me, on ground that cannot but command respect. I know neither him nor them, and my hope is, that, as but one can be named, the object is too small to occasion either mortification or disappointment to either. I am sure I shall feel more pain at not being able to avail myself of the assistance but of one of the gentlemen, than they will at the betaking themselves to some better pursuit. I ask it of your friendship, my dear Sir, to make them sensible of my situation, and to accept yourself assurances of the sincere esteem and respect with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO WM. HUNTER, ESQ., MAYOR OF ALEXANDRIA.

ALEXANDRIA, March 11, 1790.

SIR,—Accept my sincere thanks for yourself and the worthy citizens of Alexandria, for their kind congratulations on my return to my native country.

I am happy they have felt benefits from the encouragement of our commerce, which have been given by an allied nation. But truth and candor oblige me, at the same time, to declare, you are

indebted for these encouragements solely to the friendly dispositions of that nation, which has shown itself ready on every occasion to adopt all arrangements which might strengthen our ties of mutual interest and friendship.

Convinced that the republican is the only form of government which is not eternally at open or secret war with the rights of mankind, my prayers and efforts shall be cordially distributed to the support of that we have so happily established. It is indeed an animating thought, that while we are securing the rights of ourselves and our posterity, we are pointing out the way to struggling nations, who wish like us to emerge from their tyrannies also. Heaven help their struggles, and lead them, as it has done us, triumphantly through them.

Accept, Sir, for yourself and the citizens of Alexandria, the homage of my thanks for their civilities, and the assurance of those sentiments of respect and attachment with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO M. RANDOLPH.

NEW YORK, March 28, 1790.

DEAR SIR,—I arrived here on the 21st instant, after as laborious a journey of a fortnight from Richmond as I ever went through; resting only one day at Alexandria, and another at Baltimore. I found my carriage and horses at Alexandria, but a snow of eighteen inches deep falling the same night, I saw the impossibility of getting on in my own carriage, so left it there, to be sent to me by water, and had my horses led on to this place, taking my passage in the stage, though relieving myself a little sometimes by mounting my horse. The roads through the whole way were so bad that we could never go more than three miles an hour. sometimes not more than two, and in the night but one. My first object was to look out a house in the Broadway, if possible, as being the centre of my business. Finding none there vacant for the present, I have taken a small one in

Maiden Lane, which may give me time to look about me. Much business had been put by for my arrival, so that I found myself all at once involved under an accumulation of it. When this shall be got through, I will be able to judge whether the ordinary business of my department will leave me any leisure. I fear there will be little.

Letters from Paris to the 25th of December, inform me that the revolution there was still advancing with a steady pace. There had been two riots since my departure. The one on the 5th and 6th of October, which occasioned the royal family to remove to Paris, in which nine or ten of the Gardes de Corps fell, and among these a Chevalier de Daricourt, brother of Madame de La Billatte, and of Mademoiselle Daricourt —— friend. The second was on the 21st of the same month, in which a baker had been hung by the mob. On this occasion, the government (*i. e.* the National Assembly) proclaimed Martial Law in Paris, and had two of the ringleaders of the mob seized, tried, and hung, which was effected without any movement on the part of the people. Others were still to be tried. The troubles in Brabant becomes serious. The insurgents have routed the regular troops in every rencounter.

Congress is principally occupied by the treasury report. The assumption of the State debts has been voted affirmatively in the first instance, but it is not certain it will hold its ground through all the changes of the bill when it shall be brought in. I have recommended Mr. D. R. to the President for the office he desired, in case of a vacancy. It seemed, however, as if the President had had no intimation before, that a vacancy was expected. * * * * Yours affectionately.

TO GEORGE JOY.

NEW YORK, March 31, 1790.

SIR,—I have considered your application for sea letters for the ship Eliza, and examined into the precedents which you sup-

posed might influence the determination. The resolution of Congress, which imposes this duty on the Secretary for Foreign Affairs, provides expressly, "that it be made to appear to him by oath or affirmation, or *by such other evidence as shall by him be deemed satisfactory*, that the vessel is commanded by officers, citizens of the United States." Your affidavit satisfies me that one of the officers is a citizen of the United States; but you are unacquainted with the others and without evidence as to them, and even without a presumption that they are citizens, except so far as arises on the circumstances of the captain's being an American, and the ship sailing from an American port. Now, I cannot in my conscience say, that this is *evidence of the fact, satisfactory to my mind.* The precedents of relaxation by Mr. Jay, were all between the date of the resolution of Congress (February the 12th, 1788) and his public advertisement, announcing the evidence which must be produced. Since this last, the proceedings have been uniform and exact. Having perfect confidence in your good faith, and therefore without a suspicion of any fraud intended in the present case, I could have wished sincerely to grant the sea letter; but besides the letter of the law which ties me down, the public security against a partial dispensation of justice, depends on its being dispensed by certain rules. The slightest deviation in one circumstance, becomes a precedent for another, that for a third, and so on, without bounds. A relaxation in a case where it is certain no fraud is intended, is laid hold of by others, afterwards, to cover fraud. I hope, therefore, you will be sensible of the necessity of my adhering to the rules which have been published and practised by my predecessor; and that I am with great respect, Sir, your most obedient, and most humble servant.

TO DOCTOR WILLARD.

NEW YORK, April 1, 1790.

I have duly received the letter wherein you are so good as to notify to me the honor done me by the American Academy of

Arts and Sciences, in electing me one of their members, together with the diploma therein enclosed; and I beg leave through you, Sir, to return to the Academy the homage of my thanks for their favor, and to express to them the grateful sense I have of it. I only regret the small prospect I have of being useful to them, engaged as I continually am in occupations less pleasing to me, and which would be better performed by others. Unacquainted with the duties which the election into your Academy imposes on me, I can only express my desire of fulfilling them on their being made to me.

Mr. Read has explained to me his drawings and models. They prove that he merits the character you are pleased to give of him. He waits at present the passage of a law for securing to inventors the benefit of their own ingenuity. I have the honor to be, with the most respectful esteem, Sir, your most obedient, and most hnmble servant.

TO THE MARQUIS DE LA FAYETTE.

New York, April 2. 1790

Behold me, my dear friend, elected Secretary of State, instead of returning to the far more agreeable position which placed me in the daily participation of your friendship. I found the appointment in the newspapers the day of my arrival in Virginia. I had indeed been asked while in France, whether I would accept of any appointment at home, and I had answered that, not meaning to remain long where I was, I meant it to be the last office I should ever act in. Unfortunately this letter had not arrived at the time of arranging the new Government. I expressed freely to the President my desire to return. He left me free, but still showing his own desire. This, and the concern of others, more general than I had a right to expect, induced, after three months parleying, to sacrifice my own inclinations. I have been here, then, ten days harnessed in new geer. Wherever I am, or ever shall be, I shall be sincere in my friendship to you

and to your nation. I think with others, that nations are to be governed with regard to their own interests, but I am convinced that it is their interest, in the long run, to be grateful, faithful to their engagements, even in the worst of circumstances, and honorable and generous always. If I had not known that the head of our government was in these sentiments, and that his national and private ethics were the same, I would never have been where I am. I am sorry to tell you his health is less firm than it used to be. However, there is nothing in it to give alarm. The opposition to our new Constitution has almost totally disappeared. Some few indeed had gone such lengths in their declarations of hostility, that they feel it awkward perhaps to come over; but the amendments proposed by Congress, have brought over almost all their followers. If the President can be preserved a few years till habits of authority and obedience can be established generally, we have nothing to fear. The little vautrien, Rhode Island, will come over with a little more time. Our last news from Paris is of the 8th of January. So far it seemed that your revolution had got along with a steady peace; meeting indeed occasional difficulties and dangers, but we are not to expect to be translated from despotism to liberty in a feather-bed. I have never feared for the ultimate result, though I have feared for you personally. Indeed, I hope you will never see such another 5th or 6th of October. Take care of yourself, my dear friend, for though I think your nation would in any event work out her salvation, I am persuaded, were she to lose you, it would cost her oceans of blood, and years of confusion and anarchy. Kiss and bless your dear children for me. Learn them to be as you are, a cement between our two nations. I write to Madame de La Fayette, so have only to add assurances of the respect of your affectionate friend and humble servant.

MADAME DE CORNY.

New York, April 2, 1790.

I had the happiness, my dear friend, to arrive in Virginia, after a voyage of twenty-six days only, of the finest autumn weather

it was possible to have; the wind having never blown harder than we would have desired it. On my arrival I found my name in the newspapers announced as Secretary of State. I made light of it, supposing I had only to say "No," and there would be an end of it. It turned out, however, otherwise. For though I was left free to return to France, if I insisted on it, yet I found it better in the end to sacrifice my own inclinations to those of others. After holding off, therefore, near three months, I acquiesced. I did not write to you while this question was in suspense, because I was in constant hope of being able to say to you certainly that I should return. Instead of that, I am now to say certainly the contrary, and instead of greeting you personally in Paris, I am to write you a letter of adieu. Accept, then, my dear Madam, my cordial adieu, and my grateful thanks for all the civilities and kindnesses I have received from you. They have been greatly more than I had a right to expect, and they have excited in me a warmth of esteem which it was imprudent in me to have given way to for a person whom I was one day to be separated from. Since it is so, continue towards me those friendly sentiments I have always flattered myself you entertained; let me hear from you sometimes, assured that I shall always feel a warm interest in your happiness. Your letter of November 25 afflicts me; but I hope that a revolution so pregnant with the general happiness of the nation, will not in the end injure the interests of persons who are so friendly to the general good of mankind as yourself and M. de Corny. Present to him my most affectionate esteem, and ask a place for me in his recollection. * * * * * Your affectionate friend and humble servant.

MADAME LA COMTESSE D'HOUDETOT.

New York, April 2, 1790.

Being called by our Government to assist in its domestic administration, instead of paying my respects to you in person as I

had hoped, I am to write you a letter of adieu. Accept, I pray you, Madam, my grateful acknowledgments for the manifold kindnesses by which you added so much to the happiness of my stay in Paris. I have found here a philosophic revolution, philosophically effected. Yours, though a little more turbulent, has, I hope by this time, issued in success and peace. Nobody prays for it more sincerely than I do, and nobody will do more to cherish a union with a nation, dear to us through many ties, and now more approximated by the change in its government.

I found our friend Doctor Franklin in his bed—cheerful and free from pain, but still in his bed. He took a lively interest in the details I gave him of your revolution. I observed his face often flushed in the course of it. He is much emaciated. Monsieur de Crevecoeur is well, but a little apprehensive that the spirit of reforming and economizing may reach his office. A good man will suffer if it does. Permit me, Madame la Comtesse, to place here my sincere respects to Monsieur le Comte Houdetot and to Monsieur de St. Lambert. The philosophy of the latter will have been greatly gratified to see a regeneration of the condition of man in Europe so happily begun in his own country. Repeating to you, Madam, my sense of your goodness to me, and my wishes to prove it on every occasion, adding my sincere prayers that Heaven may bless you with many years of life and health, I pray you to accept here the homage of those sentiments of respect and attachment with which I have the honor to be, Madame la Comptesse, your most obedient, and most humble servant.

TO MADAME LA DUCHESSE D'AUVILLE.

New York, April 2, 1790.

I had hoped, Madame la Duchesse, to have again had the pleasure of paying my respects to you in Paris, but the wish of our Government that I should take a share in its administration, has become a law to me. Could I have persuaded myself that public offices were made for private convenience, I should un-

doubtedly have preferred a continuance in that which placed me nearer to you; but believing, on the contrary, that a good citizen should take his stand where the public authority marshals him, I have acquiesced. Among the circumstances which will reconcile me to my new position, are the opportunities it will give me of cementing the friendship between our two nations. Be assured, that to do this is the first wish of my heart. I have but one system of ethics for men and for nations—to be grateful, to be faithful to all engagements under all circumstances, to be open and generous, promoting in the long run even the interests of both; and I am sure it promotes their happiness. The change in your government will approximate us to one another. You have had some checks, some horrors since I left you; but the way to Heaven, you know, has always been said to be strewed with thorns. Why your nation have had fewer than any other on earth, I do not know, unless it be that it is the best on earth. I assure you, Madam, moreover, that I consider yourself personally as with the foremost of your nation in every virtue. It is not flattery, my heart knows not that; it is a homage to sacred truth, it is a tribute I pay with cordiality to a character in which I saw but one error; it was that of treating me with a degree of favor I did not merit. Be assured I shall always retain a lively sense of your goodness to me, which was a circumstance of principal happiness to me during my stay in Paris. I hope that by this time you have seen that my prognostications of a successful issue to your revolution, have been verified. I feared for you during a short interval; but after the declaration of the army, though there might be episodes of distress, the denouments was out of doubt. Heaven send that the glorious example of your country may be but the beginning of the history of European liberty, and that you may live many years in health and happiness to see at length that Heaven did not make man in its wrath. Accept the homage of those sentiments of sincere and respectful esteem with which I have the honor to be, Madame la Duchesse, your most affectionate and obedient humble servant.

TO THE DUKE DE LA ROCHEFOUCAULT.

NEW YORK, April 3, 1790.

DEAR SIR,—A call to take a part in the domestic administration of our Government, obliges me to abandon the expectation of paying my respects to you in person, in Paris. Though removed to a greater distance in future, and deprived of the pleasure and advantages of your conversation and society, which contributed so much to render my residence in Paris agreeable, I shall not be the less anxious for your health and happiness, and for the prosperous issue of the great revolution in which you have taken so zealous and distinguished a part. By this time I hope it is happily concluded, and that the new constitution, after receiving the finishing hand from the National Assembly, is now putting into regular motion by the convocation of a new legislature. I find my countrymen as anxious for your success as they ought to be; and thinking with the National Assembly in all points except that of a single house of legislation. They think their own experience has so decidedly proved the necessity of two Houses to prevent the tyranny of one, that they fear that this single error will shipwreck your new constitution. I am myself persuaded that theory and practice are not at variance in this instance, and that you will find it necessary hereafter to add another branch. But I presume you provide a facility of amending your constitution, and perhaps the necessity may be altogether removed by a council of revision well constituted.

Accept, Sir, my sincere thanks for all your kindnesses, permit me to place here those which I owe to Madame La Duchesse de La Rochefoucault, and which I render with the greatest cordiality. Were her system of ethics and of government the system of every one, we should have no occasion for government at all. I hope you will both live long years of health and happiness to see in full ripeness the fruit of your own revolution, and also that which seems blossoming in other parts of Europe. Accept, both, the homage of that affectionate and respectful attachment with which I have the honor to be your most obedient, and most humble servant.

TO THE COUNT DE MONTMORIN.

NEW YORK, April 6 1790.

SIR,—The President of the United States having thought proper to assign to me other functions than those of their Minister Plenipotentiary near the King, I have the honor of addressing to your Excellency my letters of recall, and of beseeching you to be so good as to present them, with the homage of my respectful adieus, to his Majesty.

It is with great satisfaction that I find myself authorized to conclude, as I had begun my mission, with assurances of the attachment of our government to the King and his people, and of its desire to preserve and strengthen the harmony and good understanding, which has hitherto so happily subsisted between the two nations.

Give me leave to place here, also, my acknowledgments to your Excellency, personally, for the facilities you have been pleased always to give in the negotiation of the several matters I have had occasion to treat with you, during my residence at your court. They were ever such as to evince, that the friendly dispositions towards our republic which you manifested even from its birth, were still found consistent with that patriotism of which you have continued to give such constant and disinterested proofs. May this union of interests forever be the patriot's creed in both countries. Accept my sincere prayers that the King, with life and health, may be long blessed with so faithful and able a servant, and you with a Prince, the model of royal excellence; and permit me to retain to my latest hours, those sentiments of affectionate respect and attachment, with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO WILLIAM CARMICHAEL

NEW YORK, April 11, 1790.

SIR,—A vessel being about to sail from this port for Cadiz, I avail myself of it to inform you, that under the appointment of

the President of the United States, I have entered on the duties of Secretary of State, comprehending the department of Foreign Affairs.

Mr. Jay's letter of October the 2d, acknowledged the receipt of the last of yours which have come to hand. Since that date he wrote you on the 7th of December, enclosing a letter for Mr. Chiappe.

The receipt of his letter of September the 9th, 1788, having never been acknowledged, the contents of which were important and an answer wished for, I send you herewith a duplicate, lest it should have miscarried.

You will also receive herewith, a letter of credence for yourself, to be delivered to the Count de Florida Blanca, after putting thereon the proper address, with which I am unacquainted. A copy of it is enclosed for your information.

I beg leave to recommend the case of Don Blas Gonzalez to your good offices with the court of Spain, enclosing you the documents necessary for its illustration. You will perceive, that two vessels were sent from Boston in the year 1787, on a voyage of discovery and commercial experiment in general, but more particularly to try a fur trade with the Russian settlements, on the northwest coast of our continent, of which such wonders had been published in Captain Cook's voyages, that it excited similar expeditions from other countries also; and that the American vessels were expressly forbidden to touch at any Spanish port, but in cases of extreme distress. Accordingly, through the whole of their voyage through the entensive latitudes held by that crown, they never put into any port but in a single instance. In passing near the island of Juan Fernandez, one of them was damaged by a storm, her rudder broken, her masts disabled, and herself separated from her companion. She put into the island to refit, and at the same time, to wood and water, of which she began to be in want. Don Blas Gonzalez, after examining her, and finding she had nothing on board but provisions and charts, and that her distress was real, permitted her to stay a few days, to refit and take in fresh supplies of wood and water. For this

act of common hospitality, he was immediately deprived of his government, unheard, by superior order, and remains still under disgrace. We pretend not to know the regulations of the Spanish government, as to the admission of foreign vessels into the ports of their colonies; but the generous character of the nation is a security to us, that their regulations can, in no instance, run counter to the laws of nature; and among the first of her laws, is that which bids us to succor those in distress. For an obedience to this law, Don Blas appears to have suffered; and we are satisfied, it is because his case has not been able to penetrate to his Majesty's ministers, at least in its true colors. We would not choose to be committed by a formal solicitation, but we would wish you to avail yourself of any good opportunity of introducing the truth to the ear of the minister, and of satisfying him, that a redress of this hardship on the Governor, would be received here with pleasure, as a proof of respect to those laws of hospitality which we would certainly observe in a like case, as a mark of attention towards us, and of justice to an individual for whose sufferings we cannot but feel.

With the present letter, you will receive the public and other papers, as usual, and I shall thank you in return, for a regular communication of the best gazettes published in Madrid.

I have the honor to be, with sentiments of the most perfect esteem, Sir, your most obedient, and most humble servant.

TO MR. GRAND.

New York, April 23, 1790.

Dear Sir,—You may remember that we were together at the Hotel de La Monnoye, to see Mr. Drost strike coins in his new manner, and that you were so kind as to speak with him afterwards on the subject of his coming to America. We are now in a condition to establish a mint, and should be desirous of engaging him in it. I suppose him to be at present in the service of Watts and Bolton, the latter of whom you may remember to have

been present with us at the Monnoye. I know no means of communicating our dispositions to Drost so effectually as through your friendly agency, and therefore take the liberty of asking you to write to him, to know what emoluments he receives from Watts and Bolton, and whether he would be willing to come to us for the same? If he will, you may give him an expectation, but without an absolute engagement, that we will call for him immediately, and that with himself, we may probably take and pay him for all the implements of coinage he may have, suited to our purpose. If he asks higher terms, he will naturally tell you so, and what they are; and we must reserve a right to consider of them. In either case, I will ask your answer as soon as possible. I need not observe to you, that this negotiation should be known to nobody but yourself, Drost and Mr. Short. The good old Dr. Franklin, so long the ornament of our country, and I may say, of the world, has at length closed his eminent career. He died on the 17th instant, of an imposthume of his lungs, which having suppurated and burst, he had not strength to throw off the matter, and was suffocated by it. His illness from this imposthume was of sixteen days. Congress wear mourning for him, by a resolve of their body.

I beg you to present my friendly respects to Madame Grand, the elder and younger, and to your son, and believe me to be, with sentiments of great esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO THE MARQUIS DE LA LUZERNE.

New York, April 30, 1790.

Sir,—When in the course of your legation to the United States, your affairs rendered it necessary that you should absent yourself awhile from that station, we flattered ourselves with the hope that that absence was not final. It turned out, in event, that the interests of your sovereign called for your talents and the exercise of your functions, in another quarter. You were

pleased to announce this to the former Congress through their Secretary for Foreign Affairs, at a time when that body was closing its administration, in order to hand it over to a government then preparing on a different model. This government is now formed, organized, and in action; and it considers among its earliest duties, and assuredly among its most cordial, to testify to you the regret which the people and government of the United States felt at your removal from among them; a very general and sincere regret, and tempered only by the consolation of your personal advancement, which accompanied it. You will receive, Sir, by order of the President of the United States, as soon as they can be prepared, a medal and chain of gold, of which he desires your acceptance, in token of their esteem, and of the sensibility with which they will ever recall your legation to their memory.

But as this compliment may hereafter be rendered to other missions, from which yours was distinguished by eminent circumstances, the President of the United States wishes to pay you the distinguished tribute of an express acknowledgment of your services, and our sense of them. You came to us, Sir, through all the perils which encompassed us on all sides. You found us struggling and suffering under difficulties, as singular and trying as our situation was new and unprecedented. Your magnanimous nation had taken side with us in the conflict, and yourself became the centre of our common councils, the link which connected our common operations. In that position you labored without ceasing, till all our labors were crowned with glory to your nation, freedom to ours, and benefit to both. During the whole, we had constant evidence of your zeal, your abilities, and your good faith. We desire to convey this testimony of it home to your own breast, and to that of your sovereign, our best and greatest friend; and this I do, Sir, in the name, and by the express instruction of the President of the United States.

I feel how flattering it is to me, Sir, to be the organ of the public sense on this occasion, and to be justified by that office,

in adding to theirs, the homage of those sentiments of respect and esteem with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO WILLIAM SHORT.

New York, April 30, 1790.

Dear Sir,—My last letter to you was of the 6th instant, acknowledging the receipt of your favors of the 2d and 6th of January. Since that Mr. Jay has put into my hands yours of the 12th of January, and I have received your note of February the 10th, accompanying some newspapers.

Mine of the 6th covered the President's letter to the King for my recall, and my letters of leave for myself and of credence to you, for the Count de Montmorin, with copies of them for your information. Duplicates of all these accompany the present; and an original commission for you as chargé des affaires, signed by the President. At the date of my former letters, I had not had time to examine with minuteness the proper form of credentials under our new Constitution: I governed myself, therefore, by foreign precedents, according to which a chargé des affaires is furnished with only a letter of credence from one minister of Foreign Affairs to the other. Further researches have shown me, that under our new Constitution, all commissions (or papers amounting to that) must be signed by the President. You will judge whether any explanation on this subject to M. de Montmorin be necessary. I enclose you also the copy of a letter written to the Marquis de La Luzerne, to be communicated to the Count de Montmorin, and by him to the King, if he thinks proper.

It has become necessary to determine on a present proper to be given to diplomatic characters on their taking leave of us; and it is concluded that a medal and chain of gold will be the most convenient. I have, therefore, to ask the favor of you to order the dies to be engraved with all the despatch practicable. The medal must be of thirty lines diameter, with a loop on the edge

to receive the chain. On one side, must be the arms of the United States, of which I send you a written description, and several impressions in wax to render that more intelligible; round them, as a legend, must be "The United States of America." The device of the other side we do not decide on. One suggestion has been a Columbia (a fine female figure) delivering the emblems of peace and commerce to a Mercury, with a legend "Peace and Commerce" circumscribed, and the date of our republic, to wit, 4th July, MDCCLXXVI., subscribed as an exergum; but having little confidence in our own ideas in an art not familiar here, they are only suggested to you, to be altered, or altogether postponed to such better device as you may approve on consulting with those who are in the habit and study of medals. Duvivier and Dupré seem to be the best workmen; perhaps the last is the best of the two.

The public papers which accompany this, will give you fully the news of this quarter.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MR. RANDOLPH.

New York, May 30. 1790.

Dear Sir,—I at length find myself, though not quite well, yet sufficiently so to resume business in a moderate degree. I have, therefore, to answer your two favors of April 23 and May 3, and in the first place to thank you for your attention to the Paccan, Gloucester and European walnuts, which will be great acquisitions at Monticello. I will still ask your attention to Mr. Foster's boring machines, lest he should go away suddenly, and the opportunity of getting it be lost. I enquired of Mr. Hamilton the quantity of coal imported; but he tells me there are not returns as yet sufficient to ascertain it; but as soon as there shall be I shall be informed. I am told there is a considerable prejudice against our coal in these Northern States. I do not know whence

it proceeds; perhaps from the want of attention to the different species, and an ignorant application of them to cross purposes. I have not begun my meteorological diary, because I have not yet removed to the house I have taken. I remove to-morrow; but as far as I can judge from its aspects, there will not be one position to be had for the thermometer free from the influence of the sun both morning and evening. However, as I go into it only till I can get a better, I shall hope ere long to find a less objectionable situation. You know that during my short stay at Monticello I kept a diary of the weather. Mr. Madison has just received one comprehending the same period, kept at his father's at Orange. The hours of observation were the same, and he has the fullest confidence in the accuracy of the observer. All the morning observations in Orange are lower than those of Monticello, from one to, I believe, fifteen or sixteen degrees; the afternoon observations are near as much higher as those of Monticello. Nor will the variations permit us to ascribe them to any supposed irregularities in either tube; because, in that case, at the same point the variation would always be the same, which it is not. You have often been sensible that in the afternoon, or rather evening, the air has become warmer in ascending the mountain. The same is true in the morning. This might account for a higher station of the mercury in the morning observations at Monticello. Again, when the air is equally dry in the lower and higher situations, which may be supposed the case in the warmest part of the day, the mercury should be lower on the latter, because, all other circumstances the same, the nearer the common surface the warmer the air. So that on a mountain it ought really to be warmer in the morning and cooler in the heat of the day than on the common plain, but not in so great a degree as these observations indicate. As soon as I am well enough I intend to examine them more accurately. Your resolution to apply to the study of the law, is wise in my opinion, and at the same time to mix with it a good degree of attention to the farm. The one will relieve the other. The study of the law is useful in a variety of points of view. It qualifies a man

to be useful to himself, to his neighbors, and to the public. It is the most certain stepping-stone to preferment in the political line. In political economy, I think Smith's Wealth of Nations the best book extant; in the science of government, Montesquieu's Spirit of Laws is generally recommended. It contains, indeed, a great number of political truths; but also an equal number of heresies: so that the reader must be constantly on his guard. There has been lately published a letter of Helvetius, who was the intimate friend of Montesquieu, and whom he consulted before the publication of his book. Helvetius advised him not to publish it; and in this letter to a friend he gives us a solution for the mixture of truth and error found in this book. He says Montesquieu was a man of immense reading; that he had commonplaced all his reading, and that his object was to throw the whole contents of his commonplace book into systematical order, and to show his ingenuity by reconciling the contradictory facts it presents. Locke's little book on Government, is perfect as far as it goes. Descending from theory to practice there is no better book than the Federalist. Burgh's Political Disquisitions are good also, especially after reading De Lome. Several of Hume's Political Essays are good. There are some excellent books of theory written by Turgot and the economists of France. For parliamentary knowledge, the Lex Parliamentaria is the best book. On my return to Virginia in the fall, I cannot help hoping some practicable plan may be devised for your settling in Albemarle, should your inclination lead you to it. Nothing could contribute so much to my happiness were it at the same time consistent with yours. You might get into the Assembly for that county as soon as you should please.

A motion has been made in the Senate to remove the Federal Government to Philadelphia. There was a trial of strength on a question for a week's postponement. On that it was found there would be eleven for the removal, and thirteen against it. The motion was therefore withdrawn and made in the other house, where it is still depending, and of very uncertain event. The question of the assumption is again brought on. The

parties were so nearly equal on the former trial that it is very possible, that with some modifications, it may yet prevail. The tonnage bill will probably pass, and must, I believe, produce salutary effects. It is a mark of energy in our government, in a case, I believe, where it cannot be parried. The French revolution still goes on well, though the danger of a suspension of payments is very imminent. Their appeal to the inhabitants of their colonies to say on what footing they wish to be placed, will end, I hope, in our free admissions into their islands with our produce. This precedent must have consequences. It is impossible the world should continue long insensible to so evident a truth as that the right to have commerce and intercourse with our neighbors, is a natural right. To suppress this neighborly intercourse is an exercise of force, which we shall have a just right to remove when the superior force. Dear Sir, your affectionate friend.

TO WILLIAM SHORT.

New York, June 6, 1790.

Dear Sir,—Having written to you so lately as the 27th of May, by M. de Crevecoeur, I have little new to communicate. My headache still continues in a slight degree, but I am able to do business. To-morrow I go on a sailing party of three or four days with the President. I am in hopes of being relieved entirely by the sickness I shall probably encounter. The President is perfectly re-established, and looks better than before his illness. The question of removal to Philadelphia was carried in the House of Representatives by 38, against 22. It is thought the Senate will be equally divided, and consequently that the decision will rest on the Vice-President, who will be himself divided between his own decided inclinations to stay here, and the unpopularity of being the sole obstacle to what appears the wish of so great a majority of the people expressed by proportional representation. Rhode Island has at length acceded to the Union by a majority of two voices only, in their convention. Her Sena-

tors will be here in about ten days or a fortnight. The opposers of removal in the Senate try to draw out time till their arrival. Therefore, they have connected the resolution of the lower House with a bill originated with them to fix a permanent residence, and have referred both to the same committee. Deaths are, Colonel Bland at this place, and old Colonel Corbin in Virginia. The naming a minister for Paris, awaits the progress of a bill before the legislature. They will probably adjourn to the 1st of December, as soon as they have got through the money business. The funding bill is passed, by which the President is authorized to borrow money for transferring our foreign debt. But the ways and means bill being not yet passed, the loan cannot be commenced till the appropriations of revenue are made, which is to give credit to the loan. * * * * * * *

Remember me to all my friends, and be assured of the sincere esteem of, dear Sir, your affectionate friend and servant.

TO COLONEL GEORGE MASON.

New York, June 13, 1790.

Dear Sir,—I have deferred acknowledging the receipt of your favor of March 16th, expecting daily that the business of the Consulships would have been finished. But this was delayed by the President's illness, and a very long one of my own, so that it is not till within these two or three days that it has been settled. That of Bordeaux is given to Mr. Fenwick, according to your desire. The commission is making out and will be signed tomorrow or next day.

I intended fully to have had the pleasure of seeing you at Gunstan Hall on my way here, but the roads being so bad that I was obliged to leave my own carriage to get along as it could, and to take my passage in the stage. I could not deviate from the stage road. I should have been happy in a conversation with you on the subject of our new government, of which, though I approve of the mass, I would wish to see some amendments, further than those which have been proposed, and fixing it more

surely on a republican basis. I have great hopes that pressing forward with constancy to these amendments, they will be obtained before the want of them will do any harm. To secure the ground we gain, and gain what more we can, is, I think, the wisest course. I think much has been gained by the late constitution; for the former was terminating in anarchy, as necessarily consequent to inefficiency. The House of Representatives have voted to remove to Baltimore, by a majority of 53, against 6. This was not the effect of choice, but of confusion into which they had been brought by the event of other questions, and their being hampered with the rules of the House. It is not certain what will be the vote of the Senate. Some hope an opening will be given to convert it into a vote of the temporary seat at Philadelphia, and the permanent one at Georgetown. The question of assumption will be brought on again, and its event is doubtful. Perhaps its opponents would be wiser to be less confident in their success, and to compromise by agreeing to assume the State debts still due to individuals, on condition of assuming to the States at the same time what they have paid to individuals, so as to put the States in the shoes of those of their creditors whom they have paid off. Great objections lie to this, but not so great as to an assumption of the unpaid debts only. My duties preventing me from mingling in these questions, I do not pretend to be very competent to their decision. In general, I think it necessary to give as well as take in a government like ours. I have some hope of visiting Virginia in the fall, in which case I shall still flatter myself with the pleasure of seeing you; in the meantime, I am, with unchanged esteem and respect, my dear Sir, your most obedient friend and servant.

TO DAVID RITTENHOUSE.

NEW YORK, June 14, 1790.

DEAR SIR,—I enclosed you the day before yesterday a rough draught of the report I had prepared on the subject of weights

and measures. I have this morning received from Mr. Short a proposition made by the Bishop of Autun to the National Assembly of France, on the same subject, which I enclose you, and will beg the favor of you to return it by post after you shall have perused it. He mentions that the latitude of 45°, as being a middle term between the equator and pole, had been proposed as the general standard for measures, and he makes the proposition anew, and desires it may be made to England. As this degree of latitude is our northern boundary, as it may form a link between us and Europe, and as the degree which shall otherwise give the standard is not otherwise very material, I have thought of proposing it in my report instead of the 38th degree. I have in consequence gone over my calculations again upon the ground of a pendulum of 36.–8.428. (Sir Isaac Newton's calculation for 45°) 39.14912 inches giving a rod of 58.72368 inches, and reformed the tables (last page of the report), of which reformation I send you a copy. The alterations in the body of the work may be easily made from this. The Bishop says the pendulum has been calculated for 45° to be 36.–8.52. this 1-10 of a line less than Sir Isaac Newton's, and the Bishop accordingly adds, that there may be in this calculation an error of 1-10 of a line.

I had taken no notice of the precaution of making the experiment of the pendulum on the sea shore, because the highest mountain in the United States would not add 1-5000 part to the length of the earth's radius, nor 1-128 of an inch to the length of the pendulum; the highest part of the Andes indeed might add about 1-1000 to the earth's radius, and 1-25 of an inch to the pendulum; as it has been thought worth mention, I will insert it also.

Your letter of April 20th, was duly attended to by me, but I fancy the successor had been decided on before it was known to the public that there would be a vacancy.

I am, with great esteem, my dear Sir, your sincere friend and humble servant.

TO DAVID RITTENHOUSE.

NEW YORK, June 20, 1790.

DEAR SIR,—I enclosed you on the 17th the alterations I had made in my report in consequence of the Bishop of Autun's proposition, which had come to my hands two days before. On the 18th, I received from Mr. Cutter in London a packet of newspapers, among which were the two enclosed, containing the speech in Parliament of Sir John Riggs Miller, on the subject of weights and measures. I observe, he states the estimate of 39.2 I. for the length of the pendulum as confessedly erroneous. I had adopted it from memory only, and before I had been able to get a single book of any kind, in the first part of the report, wherein I endeavor to ascertain and fix invariably the system of measures and weights now in use with us. But before I proceeded to the second part, proposing a thorough reform, and reducing the whole to the decimal ratio, I had been able to procure here a copy of the Principia, and so to recur to the fountain head for Sir I. Newton's calculations, and then added the note, which you will find page 3 of the report, doubting what could have been the foundation of the common imputation of the estimate of 39.2 to Sir I. Newton, and stating the grounds of that of 39.1682 for the latitude of 51° 31′ of 39.1285 for 38°, which I had at first adopted, and 39.14912 for 45°, which I took on receiving the Bishop of Autun's proposition. I have now thought I might venture to take for granted, that the estimate of 39.2 is as erroneous as I had supposed it, and therefore to expunge it from the first branch of the report, and substitute in its stead 39.1682; and to change a passage under the head of "Measures of length" into the following form:

"They furnish no means to persons at a distance of knowing what this standard is. This, however, is supplied by the evidence of the second pendulum, which, according to the authority before quoted, being 39.1682 I. for the latitude of London, and consequently the second rod for the same latitude being 58.7523, we are first to find by actual trial the rod for 45 , and to add to

that $\frac{287}{10000}$ of an inch, or rather $\frac{3}{10}$ of a line (which in practice will endanger less error than an attempt at so minute a fraction as 10,000th parts of an inch), this will give us the true measure of $58\frac{1}{4}$ English inches. Or, to shorten the operation, and yet obtain the result we seek, let the standard rod of 45 be divided into $587\frac{1}{5}$ equal parts, and let each of these parts be declared a line, and ten lines an inch," &c.

I propose also to strike out the note (page 3) before mentioned, and to substitute the following in its place:

"The length of the pendulum has been differently estimated by different persons. Knowing no reason to respect any of them more than Sir Isaac Newton for skill, care, or candor, I had adopted his estimate of 39.149 I. for our northern limit of 45°, before I saw the different propositions of the Bishop of Autun, and Sir John Riggs Miller. The first of these gentlemen quotes Mairan's calculation for 48 50′, the latitude of Paris, to wit, 504 : 257 : : 72 : to a 4th proportional, which will be 36.71428 = 39.1923 inches. The difference between the pendulum for 48° 50′ and 45 , as calculated by Sir I. Newton, is .0112 I: so that the pendulum for 45° would be estimated, according to the Bishop of Autun, at 39.1923—.0112 = 39.1811. Sir John Riggs Miller proposes 39.126, being Graham's determination for 51 31′, the latitude of London. The difference between the pendulum for 51° 31′, and 45° by Sir I. Newton, is .019 I., so that the pendulum for 45 should be estimated according to Sir J. R. Miller, at 39.126—.019 = 39.107 I. Now, dividing our respect between these two results, by taking their mean, to wit, $\frac{39.181+39.107}{2}=39.144$, we find ourselves almost exactly with Sir I. Newton, whose estimate of 39.149 we had already adopted."

I propose also to reform a passage under the head of Weights, in the first branch of the report, to stand thus:

"Let it then be established, that an ounce is the weight of a cube of rain water of one-tenth of a foot, *or rather, that it is the thousandth part of the weight of a cubic foot of rain water* weighed in the standard temperature," &c.

All which I submit to your judgment, and I will ask you par-

ticularly to examine the numbers .0112 and .019, as I have no help here to find them otherwise than by approximation. I have wished much, but in vain. Emerson's and Ferguson's books here. In short, I never was cut off from the resources of my own books and papers at so unlucky a moment. There is a Count Andriani, of Milan, here, who says there is a work on the subject of weights and measures published by Trisi of Milan. Perhaps you may have it at Philadelphia, and be able to send it to me. Were it not for my confidence in your assistance, I should not have ventured to take up this business till I received my books.

I am, my dear Sir, with great and sincere esteem, your friend and servant.

TO JAMES MONROE.

New York, June 20, 1790.

Dear Sir,—An attack of a periodical headache, which, though violent for a few days only yet kept me long in a lingering state, has hitherto prevented my sooner acknowledging the receipt of your favor of May 26. I hope the uneasiness of Mrs. Monroe and yourself has been removed by the re-establishment of your daughter. We have been in hopes of seeing her here, and fear at length some change in her arrangements for that purpose.

Congress has been long embarrassed by two of the most irritating questions that ever can be raised among them: 1, the funding the public debt, and 2, the fixing on a more central residence. After exhausting their arguments and patience on these subjects, they have for some time been resting on their oars, unable to get along as to these businesses, and indisposed to attend to anything else, till they are settled. And, in fine, it has become probable, that unless they can be reconciled by some plan of compromise, there will be no funding bill agreed to, our credit (raised by late prospects to be the first on the exchange at Amsterdam, where our paper is above par) will burst and vanish, and the States separate, to take care every one of itself. This prospect appears probable to some well-informed and well-disposed minds. En-

deavors are, therefore, using to bring about a disposition to some mutual sacrifices. The assumption of State debts has appeared as revolting to several States as their non-assumption to others. It is proposed to strip the proposition of the injustice it would have done by leaving the States who have redeemed much of their debts on no better footing than those who have redeemed none; on the contrary, it is recommended to assume a fixed sum, allotting a portion of it to every State in proportion to its census Consequently, every State will receive exactly what they wil' have to pay, or they will be exonerated so far by the general government's taking their creditors off their hands. There will be no injustice then. But there will be the objection still, that Congress must then lay taxes for those debts which would have been much better laid and collected by the State governments. And this is the objection on which the accommodation now hangs with the non-assumptioners, many of whom committed themselves in their advocation of the new Constitution, by arguments drawn from the improbability that Congress would ever lay taxes where the States could do it separately. These gentlemen feel the reproaches which will be levelled at them personally. I have been, and still am of their opinion, that Congress should always prefer letting the States raise money in their own way, where it can be done. But in the present instance, I see the necessity of yielding to the cries of the creditors in certain parts of the Union; for the sake of union, and to save us from the greatest of all calamities, the total extinction of our credit in Europe. On the other hand, it is proposed to pass an act fixing the temporary residence of twelve or fifteen years at Philadelphia, and that at the end of that time, it shall stand *ipso facto*, and without further declaration transferred to Georgetown. In this way, there will be something to displease and something to soothe every part of the Union but New York, which must be contented with what she has had. If this plan of compromise does not take place, I fear one infinitely worse, an unqualified assumption and the perpetual residence on the Delaware. The Pennsylvania and Virginia delegates have conducted themselves

honorably and unexceptionably, on the question of residence Without descending to talk about bargains, they have seen that their true interests lay in not listening to insidious propositions, made to divide and defect them, and we have seen them at times voting against their respective wishes rather than separate.

In France, the revolution goes on surely but slowly. On the rest of the continent, a league is formed between Prussia, Poland, Sweden, and Turkey, and openly patronized by England and Holland, against the two empires, one of which is convulsed by internal divisions. But the last packet brings still more interesting news. The day before the mail came away, a message was sent to the two Houses by the King, complaining of the capture of two British ships at Nootka Sound by the Spaniards, under pretence of an exclusive right to that coast, that the King had demanded satisfaction, and in the meantime was arming, to enforce it. The Houses unanimously promised support, and it was evident they would accept nothing short of an extensive renunciation from Spain as to her American pretensions. Perhaps she is determined to be satisfied with nothing but war, dismemberment of the Spanish empire, and annihilation of her fleet. Nor does her countenance towards us clear up at all.

I flatter myself with being in Virginia in the autumn. The particular time depends upon too many contingencies to be now fixed. I shall hope the pleasure of seeing yourself and Mrs. Monroe either in Albemarle or wherever our route may cross each other. Present me affectionately to her and to my good neighbors generally, and be assured of the great and sincere esteem of, dear Sir, your affectionate friend and humble servant.

TO MR. JOHN COFFIN JONES.

New York, June 23, 1790.

Sir,—I duly received your favor of May 1st, and communicated to the President the part relative to Mr. Laneguy, who would have been disposed to pay all possible respect to your re-

commendation. The first rule on that subject was to appoint a native Consul wherever a good one would accept of it; but where no native could be found, the person in possession was confirmed. Dr. Franklin had appointed a Mr. Cathalan as agent, early in the war, a very substantial merchant of Marseilles. He and his son have paid great attention to our concerns there, had much trouble, and no emolument from it. It was thought unjust to remove him without cause. The commission is given to the son, as being otherwise well qualified, and particularly as understanding well our language and usages, acquired by a residence in England. A bill which may be called the true navigation act for the United States, is before Congress, and will probably pass. I hope it will lay the foundation of a due share of navigation for us. I am, with great esteem, Sir, your most obedient humble servant.

TO MR. DUMAS.

New York, June 23, 1790.

Dear Sir,—I arrived at this place the latter end of March, and undertook the office to which the President had been pleased to appoint me, of Secretary of State, which comprehends that of Foreign Affairs. Before I had got through the most pressing matters which had been accumulating, a long illness came upon me, and put it out of my power for many weeks to acknowledge the receipt of your letters. * * * * *

We are much pleased to learn the credit of our paper at Amsterdam. We consider it as of the first importance, to possess the first credit there, and to use it little. Our distance from the wars of Europe, and our disposition to take no part in them, will, we hope, enable us to keep clear of the debts which they occasion to other powers. It will be well for yourself and our bankers to keep in mind always, that a great distinction is made here, between our foreign and domestic paper. As to the foreign, Congress is considered as the representative of one party only, and I think I can say with truth, that there is not one single individual in the United States, either in or out of office,

who supposes they can ever do anything which might impair their foreign contracts. But with respect to domestic paper, it is thought that Congress, being the representative of both parties, may shape their contracts so as to render them practicable, only seeing that substantial justice be done. This distinction will explain to you their proceedings on the subject of their debts. The funding their foreign debts, according to express contract, passed without a debate and without a dissenting voice. The modelling and funding the domestic debt, occasions great debates, and great difficulty. The bill of ways and means was lately thrown out, because an excise was interwoven into its texture; and another ordered to be brought in, which will be clear of that. The assumption of the debts contracted by the States to individuals, for services rendered the Union, is a measure which divides Congress greatly. Some think that the States could much more conveniently levy taxes themselves to pay off these, and thus save Congress from the odium of imposing too heavy burthens in their name. This appears to have been the sentiment of the majority hitherto. But it is possible that modifications may be proposed, which may bring the measure yet into an acceptable form. We shall receive with gratitude the copy of Rymer's Federa, which you are so good as to propose for the use of our offices here.

I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO MR. LESLIE.

New York, June 27, 1790.

Sir,—I find among the letters to Mr. Jay, one on the subject of the vibrating rod thought of by you for a standard of measure; and I have received from Mr. Madison a manuscript pamphlet of yours on the same subject. Congress having referred to me to propose a plan of invariable measures, I have considered maturely your proposition, and am abundantly satisfied of

its utility; so that if I can have your leave, I mean to propose in my report to adopt the rod in preference to the pendulum, mentioning expressly that we are indebted to you for the idea. Should they concur with me in opinion, it is possible that in carrying it into execution we may have occasion to engage your assistance in the proper adjustment of it, as well on account of your abilities in that line generally, as for the peculiar interest you would feel in the success of the experiment. Mr. Cox's letter to Mr. Jay seems to imply that you had communicated your idea that I might avail myself of it in the subject referred to me. But I think it justice to ask your express permission, and that you will be so good as to give me an answer by return of post. I am, Sir, your most obedient humble servant.

TO BENJ. VAUGHAN.

New York, June 27, 1790.

Dear Sir,—Your favor of March 27th came duly to hand on the 12th instant, as did your very valuable present, the dry rice, brought from the Moluccas, by Lieut. Blight. I immediately sent a few seeds to Virginia, where I am in hopes there would still be force of summer sufficient to mature it. I reserve a little for next spring, besides sowing some in pots, from which I have now twenty-three young plants, just come up. I fear, however, there is not summer enough remaining here to ripen them, without the uncertain aid of a hot house. Upon your encouragement, I think I shall venture to write to Mr. Hinton Este, of Jamaica, on the subject. You will have known that we had lost Dr. Franklin before your letter came to hand; consequently, the relation of Lieut. Blight's adventure, which you were so kind as to send, rests with me.

Though large countries within our Union are covered with the sugar maple, as heavily as can be conceived, and that this tree yields a sugar equal to the best from the cane, yields it in great quantity, with no other labor than what the women and girls can

bestow, who attend to the drawing off and boiling the liquor, and the trees when skilfully tapped will last a great number of years, yet the ease with which we had formerly got cane sugar, had prevented our attending to this resource. Late difficulties in the sugar trade have excited attention to our sugar trees, and it seems fully believed by judicious persons, that we cannot only supply our own demand, but make for exportation. I will send you a sample of it, if I can find a conveyance without passing it through the expensive one of the post. What a blessing to substitute a sugar which requires only the labor of children, for that which is said to render the slavery of the blacks necessary.

An act of Congress authorizing the issuing of patents for new discoveries has given a spring to invention beyond my conception. Being an instrument in granting the patents, I am acquainted with their discoveries. Many of them indeed are trifling, but there are some of great consequence, which have been proved by practice, and others which, if they stand the same proof, will produce great effect. Yesterday the man who built the famous bridge from Boston to Charlestown, was with me, asking a patent for a pile engine of his own construction. He communicated to me another fact, of which he makes no secret, and it is important. He was formerly concerned in ship building, but for thirty years past has been a bridge builder. He had early in life observed, on examining worm-eaten ships, that the worms never eat within the seams where the corking chisel enters, and the oil, &c. He had observed that the whaling vessels would be eaten to a honey-comb, except a little above and below water, where the whale is brought in contact with the vessel, and lies beating against it till it is cut up. A plank lying under water at a mill of his had been obliged to be removed annually, because eaten up by the worms in the course of the year. At length a plank was accidentally put down which for some purpose had been thoroughly impregnated with oil. It remained seven years without being affected. Hence he took the idea of impregnating the timbers of his bridges thoroughly with oil, by heating the timber as deeply as possible, and doing it well in that state

with the liver oil of the codfish. He has practiced this for thirty years, and there is no instance of the worm attacking his timbers, while those in neighboring places are immediately destroyed. He has used the liver oil of the cod, because very thick, and therefore, as he supposes, more permanent in its effect. He supposes some other oils might do, but cannot speak of them experimentally. He says there will be no difficulty in heating the planks of a ship after they are put on, as well as before; but I do not recollect his mentioning ever to have tried it in the case of a ship.

I am fixed here by the desire of my countrymen; consequently less in the way of communications in letters and the arts than I used to be. The continuance of your communications in that way will now be received with double thankfulness.

We are told you are going to war. Peace and profit will, I hope, be our lot. A high price and sure market for our productions, and no want of carrying business will, I hope, enable my countrymen to pay off both their private and public debts.

I am, with sentiments of sincere esteem, dear Sir, your sincere friend and servant.

TO DR. GILMER.

NEW YORK, June 27, 1790.

DEAR DOCTOR,—I have duly received your favor of May 21st, and thank you for the details it contains. Congressional proceedings go on rather heavily. The question for assuming the State debts, has created greater animosities than I ever yet saw take place on any occasion. There are three ways in which it may yet terminate. 1. A rejection of the measure, which will prevent their funding any part of the public debt, and will be something very like a dissolution of the government. 2. A bargain between the eastern members, who have it so much at heart, and the middle members, who are indifferent about it, to adopt those debts without any modification, on condition of removing the seat of government to Philadelphia or Baltimore. 3. An adoption of them with this modification, that the whole sum to be as-

sumed shall be divided among the States in proportion to their census; so that each shall receive as much as they are to pay; and perhaps this might bring about so much good humor as to induce them to give the temporary seat of government to Philadelphia, and then to Georgetown permanently. It is evident that this last is the least bad of all the turns the thing can take. The only objection to it will be, that Congress will then have to lay and collect taxes to pay these debts, which could much better have been laid and collected by the State governments. This, though an evil, is a less one than any of the others in which it may issue, and will probably give us the seat of Government at a day not very distant, which will vivify our agriculture and commerce by circulating through our State an additional sum every year of half a million of dollars. When the last packet left England, there was great appearance of an immediate rupture with Spain. Should that take place, France will become a party. I hope peace and profit will be our share. Present my best respects to Mrs. Gilmer, and my enquiring neighbors.

I am, dear Doctor, your affectionate friend and servant.

TO M. BOUDINOT.

New York, June 29, 1790.

Sir,—As it is desirable we should receive from our Consuls an exact report of all our vessels with their cargoes which go to the countries of their residence, such fees appear necessary as may induce them to be watchful that every such vessel is noted. At the same time, the fee should not be so large as to induce them to connive at foreign vessels reporting themselves as American, merely to give them the fee; five and ten dollars appear to me well proportioned.

While I was in Europe I found there was a great want of some legal mode of taking and authenticating instruments and evidence in general, to be sent to this country; such as depositions, affidavits, copies of wills, records, deeds, powers of attorney, &c.

I thought it would be proper, as soon as we should have Consuls established, to make their authentications under the seal of their office, good evidence in our courts. I take the liberty of submitting to you whether a clause for these purposes might not be properly placed in this bill. I assure you the occasions for it are extremely frequent.

I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO DAVID RITTENHOUSE.

New York, June 30, 1790.

Dear Sir,—Your favor of the 25th came to hand last night, for which I give you many thanks. The conversion of 36.71428 pouces into 39.1923 inches, was an error in division, and consequently the mean taken between that and Graham's computation is wrong. It has rendered it necessary for me to suppress the note on that subject, and to put it into the form now enclosed. In this I state the reason for adopting 11–3 pouces as the equivalent of the English foot. It is so stated by D'Alembert in the Encyclopedie, and retained in the new Encyclopodie. To have changed it for 11–3.11 Mashelynci's measure, would have obliged me to have formed all my calculations anew, which would have exposed me to new errors of calculation; and added to the trouble and delay it would have occasioned, did not seem worth while for so small a fraction as 11-100 of a line, or the 1227th of a foot I suppose, too, that the operation concerting between the French and English will soon furnish us with a new and more certain equation of their feet. I still like the rod rather than the pendulum, because I do not know a single objection to it which does not lie to the pendulum, because it is clear of some objections to which that is liable, but most of all, because 1-5 of the second rod is much nearer the present foot than 1-3 of the second pendulum. After all, should the French and English adopt the pendulum, we shall be free to do so also. I state on the en-

closed paper a very loose answer to the 5th objection, which is the only one I can give. Can you suggest something more precise? As there is an idea that Congress will rise about the middle of July, I shall only await the answer you will be so good as to make to this, and then give in my report. This day, I fancy, will determine whether we are to be removed to Philadelphia or not; for though it will still be put to the question several times before its ultimate passage, yet I think if this day's vote of the Senate is favorable, it will pass safely through all the subsequent stages. It would have been a great comfort to me to have been near you during the preparation of this business of weights and measures. It is much easier to avoid errors by having good information at first, than to unravel and corrrect them after they are committed. I recommend to Congress the deferring to proceed on the report till the next session, and reserve to myself an opening to add any new matter which may occur in the meantime.

I am, with great and sincere esteem, dear Sir, your affectionate friend and servant.

TO WILLIAM SHORT.

New York, July 1, 1790.

Dear Sir,—A bill has passed two readings in the Senate for removing the seat of government to Philadelphia, there to remain ten years, and then to be established permanently in Georgetown. It is to receive its third reading to-day, and it depends on a single vote, yet I believe we may count surely that it will pass that house. As it originated there, it will then have to pass the lower house; where, however, I believe it is very secure of a majority. I apprehend this news must reach you too late to send my baggage to Philadelphia instead of this place; however, to take the chance of any unexpected delay which may have attended its departure, I drop you this line by a vessel sailing this morning to Dunkirk, to pray you (if my baggage

is not already embarked, or so engaged for its passage as not to admit a change of destination), that you will have it sent to Philadelphia directly. The having to send it from one port to another in the United States, costs as much nearly as the freight across the Atlantic, besides the custom-house difficulties. I think it better to wait an opportunity from thence to Philadelphia, should there not be an immediate one, than that it should make a double voyage. No time to add anything else, but that all is well. Adieu. Yours affectionately.

TO COL. M. LEWIS.

NEW YORK, July 4, 1790.

DEAR SIR,—I wrote you last on the 13th of June. The Senate have passed the bill for fixing the residence of Congress at Philadelphia for ten years, and then permanently at Georgetown; it has been read once or twice in the House of Representatives, and will be ultimately decided on the day after to-morrow. I believe it will pass there by a considerable majority. I imagine we shall remove from hence early in September, which will consequently be the time for my paying a short visit to Monticello. There is reason to expect a rupture has taken place between Spain and England. If so, it will involve France, and so render the present war of Europe almost universal there. I hope they will all see it their interest to let us make bread for them in peace, and to give us a good price for it. We have every moral certainty that wheat will be high for years to come. I cannot, therefore, my dear Sir, omit to press, for myself, the going into that culture as much as you think practicable. In Albemarle, I presume we may lay aside tobacco entirely; and in Bedford, the more we can lay it aside the happier I shall be. I believe it cannot there be entirely discontinued, for want of open lands. I will also be obliged to you to give such orders for preparing for the next year's crop in the plantation given to Mr. Randolph, as you would for me, were it to remain in my hands. I know he

will be glad to have as much wheat sowed as possible. While good crops of grain, and a good price for them, will prepare a good income, if we can avoid paying that away to the stores, all will be well. For this purpose, it is vastly desirable to be getting under way with our domestic cultivation and manufacture of hemp, flax, cotton and wool for the negroes. If we may decide from past experience, we may safely say that war and domestic manufacture are more gainful than peace and store supplies. The present price of wheat here is a dollar a bushel.

Present my best esteem to Mrs. Lewis and your family. I am, dear Sir, your affectionate friend and humble servant.

TO E. RUTLEDGE, ESQ.

NEW YORK, July 4, 1790.

DEAR SIR,—Your favor of April 28 came to hand May 11, and found me under a severe indisposition, which kept me from all business more than a month, and still permits me to apply but very sparingly. That of June 20 was delivered me two days ago by young Mr. Middleton, whom I was very glad to see, as I am everybody and everything which comes from you. It will give me great pleasure to be of any use to him, on his father's account as well as yours.

In yours of April 28 you mention Dr. Turnbull's opinion that force alone can do our business with the Algerines. I am glad to have the concurrence of so good an authority on that point. I am clear myself that nothing but a perpetual cruise against them, or at least for eight months of the year, and for several years, can put an end to their piracies; and I believe that a confederacy of the nations not in treaty with them can be effected, so as to make that perpetual cruise, or our share of it, a very light thing, as soon as we shall have money to answer even a light thing; and I am in hopes this may shortly be the case. I participate fully of your indignation at the trammels imposed on our commerce with Great Britain. Some attempts have been

made in Congress, and others are still making to meet their restrictions by effectual restriction on our part. It was proposed to double the foreign tonnage for a certain time, and after that to prohibit the exportation of our commodities in the vessels of nations not in treaty with us. This has been rejected. It is now proposed to prohibit any nation from bringing or carrying in their vessels what may not be brought or carried in ours from or to the same ports; also to prohibit those from bringing to us anything not of their own produce, who prohibit us from carrying to them anything but our own produce. It is thought, however, that this cannot be carried. The fear is that it would irritate Great Britain were we to feel any irritation ourselves. You will see by the debates of Congress that there are good men and bold men, and sensible men, who publicly avow these sentiments. Your observations on the expediency of making short treaties, are most sound. Our situation is too changing and too improving to render an unchangeable treaty expedient for us. But what are these enquiries on the part of the British minister which leads you to think he means to treat? May they not look to some other object? I suspect they do; and can no otherwise reconcile all circumstances. I would thank you for a communication of any facts on this subject.

Some questions have lately agitated the minds of Congress more than the friends of union on catholic principles would have wished. The general assumption of State debts has been as warmly demanded by some States, as warmly rejected by others. I hope still that this question may be so divested of the injustice imputed to it as to be compromised. The question of residence, you know, was always a heating one. A bill has passed the Senate for fixing this at Philadelphia ten years, and then at Georgetown; and it is rather probable it will pass the lower house. That question then will be put to sleep for ten years; and this and the funding business being once out of the way, I hope nothing else may be able to call up local principles. If the war between Spain and England takes place, I think France will inevitably be involved in it. In that case I hope the new

world will fatten on the follies of the old. If we can but establish the armed neutrality for ourselves, we must become the carriers for all parties as far as we can raise vessels.

The President had a hair-breadth escape; but he is now perfectly re-established, and looks much better than before he was sick. I expect daily to see your nephew, Mr. J. Rutledge, arrive here, as he wrote me by the May packet that he would come in that of June. He is a very hopeful young man, sensible, well-informed, prudent and cool. Our southern sun has been accused of sometimes sublimating the temper too highly. I wish all could think as coolly, but as soundly and firmly as you do. Adieu, my dear friend. Yours affectionately.

TO MR. DUMAS.

NEW YORK, July 18, 1790.

SIR,—I wrote you last on the 23d of June, since which I have received yours of March the 24th to the 30th.

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Congress are still engaged in their funding bills. The foreign debts did not admit of any difference of opinion. They were settled by a single and unanimous vote; but the domestic debt, requiring modifications and settlements, these produce great difference of opinion, and consequently retard the passage of the funding bill. The States had individually contracted considerable debts for their particular defence, in addition to what was done by Congress. Some of the States have so exerted themselves since the war, as to have paid off near the half of their individual debts. Others have done nothing. The State creditors urge, that these debts were as much for general purposes as those contracted by Congress, and insist that Congress shall assume and pay such of them as have not been yet paid by their own States. The States who have exerted themselves most, find that, notwithstanding the great payments they have made, they shall by this assumption, still have nearly as much to pay

as if they had never paid anything. They are therefore opposed to it. I am in hopes a compromise will be effected by a proportional assumption, which may reach a great part of the debts, and leave still a part of them to be paid by those States who have paid few or none of their creditors. This being once settled, Congress will probably adjourn, and meet again in December, at Philadelphia. The appearance of war between our two neighbors, Spain and England, would render a longer adjournment inexpedient.

I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO DR. GILMER.

New York. July 25, 1790.

Dear Doctor,—I wrote you last on the 27th of June. Since that we have had great appearances of an explosion between Spain and England. Circumstances still indicate war. The strongest fact against it is that a British ambassador is actually gone to Madrid. If there be war, France will probably embark in it. I do not think it can disturb her revolution, that is so far advanced as to be out of danger. Be these things as they may, there will be war enough to ensure us great prices for wheat for years to come, and if we are wise we shall become wealthy. McGillivray, and about thirty Creek chiefs, are here. We are in hopes this visit will ensure the continuance of peace with them. The assumption in a proportionate form is likely to pass. The sum to be assumed is twenty-one millions. Of this three and a half millions are allotted to Virginia, being the exact sum it is supposed she will have to contribute of the whole assumption, and sufficient also to cover the whole of her remaining domestic debt. Being therefore to receive exactly what she is to pay, she will neither lose nor gain by the measure. The principal objection now is, that all the debts, general and State, will be to be raised by tax on imposts, which will thus be overburthened;

whereas had the States been left to pay the debts themselves, they could have done it by taxes on land and other property, which would thus have lightened the burthen on commerce. However, the measure was so vehemently called for by the State creditors in some parts of the Union, that it seems to be one of those cases where some sacrifice of opinion is necessary for the sake of peace. Congress will probably rise between the 6th and 13th of August. The President will soon after that go to Mount Vernon, and I shall take advantage of the interregnum to see my neighbors in Albemarle, and to meet my family there. I suppose it will be the 1st of September before I can set out from this place, and shall take that occasion of having my affairs removed hence to Philadelphia. Present me affectionately to Mrs. Gilmer and all my friends. Adieu, dear Doctor, your sincere friend and humble servant.

TO WILLIAM SHORT.

NEW YORK, July 26, 1790.

DEAR SIR,—My public letters to you have been of the 28th of March, the 6th and 30th of April. Yours, which remain to be acknowledged, are of March the 9th, 17th, 29th, April the 4th, 12th, 23d, and May the 1st; being from No. 21 to 28 inclusive, except No. 23, which had come to hand before. I will state to you the dates of all your letters received by me, with the times they have been received, and length of their passage.

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You will perceive that they average eleven weeks and a half; that the quickest are of nine weeks, and the longest are of near eighteen weeks coming. Our information through the English papers, is of about five or six weeks, and we generally remain as long afterwards in anxious suspense, till the receipt of your letters may enable us to decide what articles of those papers have been true. As these come principally by the English packet, I will take the liberty of asking you to write always by that packet, giving a full detail of such events as may be com-

municated through that channel; and indeed most may. If your letters leave Paris nine or ten days before the sailing of the packet, we shall be able to decide, on the moment, on the facts, true or false, with which she comes charged. For communications of a secret nature, you will avail yourself of other conveyances, and you will be enabled to judge which are best, by the preceding statement. News from Europe is very interesting at this moment, when it is so doubtful whether a war will take place between our two neighbors.

Congress have passed an act for establishing the seat of government at Georgetown, from the year 1800, and in the meantime, to remove to Philadelphia. It is to that place, therefore, that your future letters had better be addressed. They have still before them the bill for funding the public debts. That has been hitherto delayed by a question, whether the debts contracted by the particular States for general purposes, should, at once, be assumed by the General Government. A development of cirumstances, and more mature consideration, seem to have produced some change of opinion on the subject. When it was first proposed, a majority was against it. There is reason to believe, by the complexion of some later votes, that the majority will now be for assuming these debts to a fixed amount. Twenty-one millions of dollars are proposed. As soon as this point is settled, the funding bill will pass, and Congress will adjourn. That adjournment will probably be between the 6th and 13th of August. They expect it sooner. I shall then be enabled to inform you, ultimately, on the subject of the French debt, the negotiations for the payment of which will be referred to the executive, and will not be retarded by them an unnecessary moment. A bill has passed, authorizing the President to raise the salary of a chargé des affaires to four thousand five hundred dollars, from the first day of July last. I am authorized by him to inform you, that yours will accordingly be at that rate, and that you will be allowed for gazettes, translating or printing papers, where that shall be necessary, postage, couriers, and necessary aids to poor American *sailors*, in addition to the salary,

and no charge of any other description, except where you may be directed to incur it expressly. I have thought it would be most agreeable to you to give you precise information, that you may be in no doubt in what manner to state your accounts. Be pleased to settle your account down to the 1st of July last, and state the balance then due, which will be to be paid out of the former fund. From that day downwards, a new account must be opened, because a new fund is appropriated to it, from that time. The expenses for the medals, directed in my letter of April the 30th, must enter into the new account. As I presume the die will be finished by the time you receive this, I have to desire you will have a medal of gold struck for the Marquis de La Luzerne, and have put to it a chain of three hundred and sixty-five links, each link containing gold to the value of two dollars and a half, or thirteen livres and ten sous. The links to be of plain wire, so that their workmanship may cost as it were nothing. The whole will make a present of little more than one thousand dollars, including the medal and chain. As soon as done, be pleased to forward them by a safe hand to the Marquis de La Luzerne, in the name of the President of the United States, informing him that it is the one spoken of in my letter to him of April the 30th, 1790. Say nothing to anybody of the value of the present, because that will not always be the same, in all cases. Be so good as to have a second medal of gold struck in the same die, and to send this second, together with the dies, to Philadelphia, by the first safe person who shall be passing; no chain to be sent with this.

We are impatient to learn the progress and prospect of the Algerine business. Do not let it languish a moment, nor leave us a moment uninformed of anything relative to it. It is in truth a tender business, and more felt as such in this, than in any other country. The suppression of the farms of tobacco, and the free importation of our salted provisions, will merit all your attention. They are both of them objects of first-rate importance.

The following appointments of consuls have taken place.

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Their jurisdictions, in general, extend to all places within the same allegiance, which are nearer to them than to the residence of any other consul or vice-consul. As yet, only their commissions have been made out. General instructions await the passage of a bill now depending. Mr. La Forest, at this place, remarked our appointment of consuls in the French islands. In the first project of a convention proposed on the part of France, the expressions reached expressly to the kingdom of France only. I objected to this in writing, as being narrower than the twenty-ninth article of the treaty of amity, which was the basis of the consular convention, and which had granted the appointment of consuls and vice-consuls, in their respective "States and ports," generally, and without restriction. On this, the word "France" was struck out, and the "dominions of the M. C. K." inserted everywhere. See the fifth, ninth, twelfth, thirteenth and fifteenth articles particularly, of the copy of the draughts of 1784 and 1788, as I had them printed side by side. The object of this alteration was, the appointment of consuls in the free ports allowed us in the French West Indies, where our commerce has greater need of protection than anywhere. I mention these things that you may be prepared, should anything be said to you on the subject. I am persuaded the appointment will contribute eminently to the preservation of harmony between us. These consuls will be able to prevent the misunderstandings which arise frequently now between the officers there and our traders, and which are doubtless much exaggerated and misrepresented to us by the latter.

I duly received the copy you were so kind as to send me of the Bishop of Autun's proposition, on the subject of weights and measures. It happened to arrive in the moment I was about giving in to Congress a report on the same subject, which they had referred to me. In consequence of the Bishop of Autun's proposition, I made an alteration in my report, substituting forty-five degrees instead of thirty-eight degrees, which I had at first proposed as a standard latitude. I send you a copy of my report for the Bishop, and another for M. Condorcet, Secretary of the

Academy of Sciences. By taking the second pendulum or rod of the same latitude, for the basis of our measures, it will at least furnish a common measure to which both our systems will refer, provided our experiments on the pendulum or rod of forty-five degrees should yield exactly the same result with theirs.

The newspapers, as usual, will accompany the present, which is to go by Mr. Barrett.

I have the honor to be, with great esteem and attachment, dear Sir, your most obedient and most humble servant.

TO WILLIAM CARMICHAEL.

New York, August 2, 1790.

Dear Sir,—This letter will be delivered to you by Colonel Humphreys, whose character is so well known to you as to need no recommendations from me. The present appearances of war between our two neighbors Spain and England, cannot but excite all our attention. The part we are to act is uncertain, and will be difficult. The unsettled state of our dispute with Spain, may give a turn to it very different from what we would wish. As it is important that you should be fully apprized of our way of thinking on this subject, I have sketched, in the enclosed paper, general heads of consideration arising from present circumstances. These will be readily developed by your own reflections, and in conversations with Colonel Humphreys; who, possessing the sentiments of the executive on this subject, being well acquainted with the circumstances of the Western country in particular, and of the state of our affairs in general, comes to Madrid expressly for the purpose of giving you a thorough communication of them. He will, therefore, remain there as many days or weeks as may be necessary for this purpose. With this information, written and oral, you will be enabled to meet the minister in conversations on the subject of the navigation of the Mississippi, to which we wish you to lead his attention immediately. Impress him thoroughly with the necessity of an early,

and even an immediate settlement of this matter, and of a return to the field of negotiation for this purpose; and though it must be done delicately, yet he must be made to understand unequivocally, that a resumption of the negotiation is not desired on our part, unless he can determine, in the first opening of it, to yield the immediate and full enjoyment of that navigation. (I say nothing of the claims of Spain to our territory north of the thirty-first degree, and east of the Mississippi. They never merited the respect of an answer; and you know it has been admitted at Madrid, that they were not to be maintained.) It may be asked, what need of negotiation, if the navigation is to be ceded at all events? You know that the navigation cannot be practised without a port, where the sea and river vessels may meet and exchange loads, and where those employed about them may be safe and unmolested. The right to use a thing, comprehends a right to the means necessary to its use, and without which it would be useless. The fixing on a proper port, and the degree of freedom it is to enjoy in its operations, will require negotiation, and be governed by events. There is danger, indeed, that even the unavoidable delay of sending a negotiator here, may render the mission too late for the preservation of peace. It is impossible to answer for the forbearance of our western citizens. We endeavor to quiet them with the expectation of an attainment of their rights by peaceable means. But should they, in a moment of impatience, hazard others, there is no saying how far we may be led; for neither themselves nor their rights will ever be abandoned by us.

You will be pleased to observe, that we press these matters warmly and firmly, under this idea, that the war between Spain and Great Britain will be begun before you receive this; and such a moment must not be lost. But should an accommodation take place, we retain, indeed, the same object and the same resolutions unalterably; but your discretion will suggest, that in that event, they must be pressed more softly, and that patience and persuasion must temper your conferences, till either these may prevail, or some other circumstance turn up, which may enable

us to use other means for the attainment of an object which we are determined, in the end, to obtain at every risk.

I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO M. DE PINTO.

New York, August 7, 1790.

Sir,—Under cover of the acquaintance I had the honor of contracting with you, during the negotiations we transacted together in London, I take the liberty of addressing you the present letter. The friendly dispositions you were then pleased to express towards this country, which were sincerely and reciprocally felt on my part towards yours, flatter me with the hope you will assist in maturing a subject for their common good. As yet, we have not the information necessary to present it to you formally, as the minister of her most faithful Majesty. I beg, therefore, that this letter may be considered as between two individual friends of their respective countries, preliminary to a formal proposition, and meant to give an acceptable shape to that.

It is unnecessary, with your Excellency, to go through the history of our first experiment in government; the result of which was, a want of such tone in the governing powers, as might effect the good of those committed to their care. The nation become sensible of this, have changed its organization, made a better distribution of its powers, and given to them more energy and independence. The new government has now, for some time, been under way; and so far, gives a confidence that it will answer its purposes. Abuses under the old forms, have led us to lay the basis of the new, in a rigorous economy of the public contributions. This principle will show itself in our diplomatic establishments; and the rather, as at such a distance from Europe, and with such an ocean between us, we hope to meddle little in its quarrels or combinations. Its peace and its commerce are

what we shall court; and to cultivate these, we propose to place at the courts of Europe most interesting to us, diplomatic characters of economical grade, and shall be glad to receive like ones in exchange. The important commerce carried on between your country and ours, and the proofs of friendly disposition towards us which her Majesty has manifested, induce us to wish for such an exchange with her, to express our sensibility at the intimations heretofore received of her readiness to meet our wish in this point, and our regret at the delay which has proceeded from the circumstances before touched on. The grade to be exchanged is the present question, and that on which I ask a friendly and informal consultation with you. That of chargé des affaires, is the one we would prefer. It is that we employ at the court of Madrid. But it has been said, that by the etiquette of your court, that grade cannot be received there under a favorable countenance. Something like this existed at the court of Madrid. But his most Catholic Majesty, in consideration of our peculiar circumstances, dispensed with a general rule in our favor and in our particular case; and our chargé des affaires there, enjoys at court the privileges, the respect and favor due to a friendly nation, to a nation whom distance and difference of circumstances liberate, in some degree, from an etiquette, to which it is a stranger at home as well as abroad. The representative of her Majesty here, under whatever name mutual convenience may designate him, shall be received in the plentitude of friendship and favor. May we not ask a reciprocal treatment of ours with you? The nations of Europe have already seen the necessity of distinguishing America from Europe, even in their treaties; and a difference of commerce, of government, of condition and character, must every day evince, more and more, the impracticability of involving them under common regulations. Nor ought a difference of arrangement with respect to us, to excite claims from others whose circumstances bear no similitude to ours.

I beg leave to submit these considerations to your Excellency's wisdom and goodness. You will see them to be such as could not be offered formally. They must shield themselves under the

protection of those sentiments of veneration and esteem with which your character heretofore inspired me, and which I flattered myself were not merely indifferent to you. Be so good as to honor with a conference hereon, the bearer, Colonel Humphreys (who was known to you in London), a gentleman who has long been of the President's family, and whose worth has acquired so much of our confidence, that whatever shall be arranged with him, on this subject, may be considered as settled. Presuming on a continuance of her Majesty's dispositions, accept this private assurance that a proper person shall be appointed in due form to reside with you, as soon as we shall know the result of your deliberations with Colonel Humphreys, whom I beg leave to present to your notice; adding the homage of those sentiments of respect and attachment with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO JOSHUA JOHNSON.

New York, August 7, 1790.

Sir,—The President of the United States, desirous of availing his country of the talents of its best citizens in their respective lines, has thought proper to nominate you consul for the United States, at the port of London. The extent of our commercial and political connections with that country, marks the importance of the trust he confides to you, and the more, as we have no diplomatic character at that court. I shall say more to you in a future letter on the extent of the consular functions, which are, in general, to be confined to the superintendence and patronage of commerce and navigation; but in your position, we must desire somewhat more. Political intelligence from that country is interesting to us in a high degree. We must, therefore, ask you to furnish us with this as far as you shall be able; to send us moreover the gazette of the court, Woodfall's parliamentary paper, Debrett's parliamentary register; and to serve sometimes as a centre for our correspondences with other parts of Europe, by

receiving and forwarding letters sent to your care. It is desirable that we be annually informed of the extent to which the British fisheries are carried on within each year, stating the number and tonnage of the vessels, and the number of men employed in the respective fisheries, to wit, the northern and southern whale fisheries, and the cod fishery. I have as yet no statement of them for the year 1789, with which, therefore, I will thank you to begin. While the press of seamen continues, our seamen in ports nearer to you than to Liverpool, (where Mr. Maury is consul,) will need your protection. The liberation of those impressed should be desired of the proper authority, with due firmness, yet always in temperate and respectful terms, in which way, indeed, all applications to government should be made.

The public papers herein desired may come regularly, once a month, by the British packet, and intermediately, by any vessels bound directly either to Philadelphia or New York. All expenses incurred for papers and postages, shall be paid at such intervals as you choose, either here, on your order, or by bill on London, whenever you transmit to me an account.

There was a bill brought into the legislature for the establishment of some regulations in the consular offices; but it is postponed to the next session. That bill proposed some particular fees for particular services. They were, however, so small, as to be no object. As there will be little or no legal emolument annexed to the office of consul, it is, of course, not expected that it shall render any expense incumbent on him.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

New York, August 10, 1790.

Dear Sir,—This letter, with the very confidential papers it encloses, will be delivered to you by Mr. Barrett with his own hands. If there be no war between Spain and England, they

need be known to yourself alone. But if that war be begun, or whenever it shall begin, we wish you to communicate them to the Marquis de La Fayette, on whose assistance we know we can count in matters which interest both our countries. He and you will consider how far the contents of these papers may be communicated to the Count de Montmorin, and his influence be asked with the court of Madrid. France will be called into the war, as an ally, and not on any pretence of the quarrel being in any degree her own. She may reasonably require then, that Spain should do everything which depends on her, to lessen the number of her enemies. She cannot doubt that we shall be of that number, if she does not yield our right to the common use of the Mississippi, and the means of using and securing it. You will observe, we state in general the necessity, not only of our having a port near the mouth of the river (without which we could make no use of the navigation at all) but of its being so well separated from the territories of Spain and her jurisdiction, as not to engender daily disputes and broils between us. It is certain, that if Spain were to retain any jurisdiction over our entrepôt, her officers would abuse that jurisdiction, and our people would abuse their privileges in it. Both parties must foresee this, and that it will end in war. Hence the necessity of a well-defined separation. Nature has decided what shall be the geography of that in the end, whatever it might be in the beginning, by cutting off from the adjacent countries of Florida and Louisiana, and enclosing between two of its channels, a long and narrow slip of land, called the Island of New Orleans. The idea of ceding this, could not be hazarded to Spain, in the first step; it would be too disagreeable at first view; because this island, with its town, constitutes, at present, their principal settlement in that part of their dominions, containing about ten thousand white inhabitants of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. That we have a right to some spot as an entrepôt for our commerce, may be at once affirmed. The expediency, too, may be expressed, of so locating it as to cut off the source of future quarrels and

wars. A disinterested eye, looking on a map, will remark how conveniently this tongue of land is formed for the purpose; the Iberville and Amit channel offering a good boundary and convenient outlet, on the one side, for Florida, and the main channel an equally good boundary and outlet, on the other side, for Louisiana; while the slip of land between, is almost entirely morass or sandbank; the whole of it lower than the water of the river, in its highest floods, and only its western margin (which is the highest ground) secured by banks and inhabited. I suppose this idea too much even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge, and get him to recommend to the Spanish court, only in general terms, "a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain," leaving the idea to future growth.

I enclose you the copy of a paper distributed by the Spanish commandant on the west side of the Mississippi, which may justify us to M. de Montmorin, for pushing this matter to an immediate conclusion. It cannot be expected we shall give Spain time, to be used by her for dismembering us.

It is proper to apprize you of a circumstance, which may show the expediency of being in some degree on your guard, even in your communications to the court of France. It is believed here, that the Count de Moustier, during his residence with us, conceived the project of again engaging France in a colony upon our continent, and that he directed his views to some of the country on the Mississippi, and obtained and communicated a good deal of matter on the subject to his court. He saw the immediate advantage of selling some yards of French cloths and silks to the inhabitants of New Orleans. But he did not take into account what it would cost France to nurse and protect a colony there, till it should be able to join its neighbors, or to stand by itself; and then what it would cost her to get rid of it. I hardly suspect that the court of France could be seduced by so partial a view of the subject as was presented to them, and I suspect it the less, since the National Assembly has constitution-

ally excluded conquest from the object of their government. It may be added, too, that the place being ours, their yards of cloth and silk would be as freely sold as if it were theirs.

You will perceive by this letter, and the papers it encloses, what part of the ideas of Count d'Estain correspond with our views. The answer to him must be a compound of civility and reserve, expressing our thankfulness for his attentions, that we consider them as proofs of the continuance of his friendly dispositions, and that though it might be out of our system to implicate ourselves in trans-Atlantic guarantees, yet other parts of his plans are capable of being improved to the common benefit of the parties. Be so good as to say to him something of this kind verbally, and so as that the matter may be ended as between him and us.

On the whole, in the event of war, it is left to the judgment of the Marquis de La Fayette and yourself, how far you will develop the ideas now communicated to the Count de Montmorin, and how far you will suffer them to be developed to the Spanish court.

I enclose you a pamphlet by Hutchins for your further information on the subject of the Mississippi; and am, with sentiments of perfect esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO COLONEL DAVID HUMPHREYS.

NEW YORK, August 11, 1790.

SIR,—The President having thought proper to confide several special matters in Europe to your care, it will be expedient that you take your passage in the first convenient vessel bound to the port of London.

When there, you will be pleased to deliver to Mr. G. Morris and to Mr. Johnson, the letters and papers you will have in charge for them, to communicate to us from thence any interesting public intelligence you may be able to obtain, and then to take as early a passage as possible to Lisbon.

At Lisbon, you will deliver the letter with which you are charged for the Chevalier Pinto, putting on it the address proper to his present situation. You know the contents of this letter, and will make it the subject of such conferences with him, as may be necessary to obtain our point of establishing there the diplomatic grade which alone coincides with our system, and of insuring its reception and treatment with the requisite respect. Communicate to us the result of your conferences, and then proceed to Madrid.

There you will deliver the letters and papers which you have in charge for Mr. Carmichael, the contents of all which are known to you. Be so good as to multiply, as much as possible, your conferences with him, in order to possess him fully of the special matters sketched out in those papers, and of the state of our affairs in general.

Your stay there will be as long as its object may require, only taking care to return to Lisbon by the time you may reasonably expect that our answers to your letters, to be written from Lisbon, may reach that place. This cannot be earlier than the first or second week of January. These answers will convey to you the President's further pleasure.

Through the whole of this business, it will be best that you avoid all suspicion of being on any public business. This need be known only to the Chevalier Pinto and Mr. Carmichael. The former need not know of your journey to Madrid, or if it be necessary, he may be made to understand that it is a journey of curiosity, to fill up the interval between writing your letters and receiving the answers. To every other person, it will be best that you appear as a private traveller.

The President of the United States allows you from this date, at the rate of two thousand two hundred and fifty dollars a year, for your services and expenses, and moreover, what you may incur for the postage of letters; until he shall otherwise order.

TO GOVERNEUR MORRIS.

NEW YORK, August 12, 1790.

DEAR SIR,—Your letter of May the 29th to the President of the United States, has been duly received. You have placed their proposition of exchanging a minister on proper ground. It must certainly come from them, and come in unequivocal form. With those who respect their own dignity so much, ours must not be counted at naught. On their own proposal formally, to exchange a minister, we sent them one. They have taken no notice of that, and talk of agreeing to exchange one now, as if the idea were new. Besides, what they are saying to you, they are talking to us through Quebec; but so informally, that they may disavow it when they please. It would only oblige them to make the fortune of the poor Major, whom they would pretend to sacrifice. Through him, they talk of a minister, a treaty of commerce *and alliance.* If the object of the latter be honorable, it is useless; if dishonorable, inadmissible. These tamperings prove, they view a war as very possible; and some symptoms indicate designs against the Spanish possessions adjoining us. The consequences of their acquiring all the country on our frontier, from the St. Croix to the St. Mary's, are too obvious to you to need development. You will readily see the dangers which would then environ us. We wish you, therefore, to intimate to them that we cannot be indifferent to enterprises of this kind. That we should contemplate a change of neighbors with extreme uneasiness; and that a due balance on our borders is not less desirable to us, than a balance of power in Europe has always appeared to them. We wish to be neutral, and we will be so, *if they will execute the treaty fairly*, and *attempt no conquests adjoining us.* The first condition is just; the second imposes no hardship on them. They cannot complain that the other dominions of Spain would be so narrow as not to leave them room enough for conquest. If the war takes place, we would really wish to be quieted on these two points, offering in return an honorable neutrality. More than this, they are not to

expect. It will be proper that these ideas be conveyed in delicate and friendly terms; but that they be conveyed, if the war takes place; for it is in that case alone, and not till it be begun, that we should wish our dispositions to be known. But in no case, need they think of our accepting any equivalent for the posts.

I have the honor to be, with great respect and esteem, dear Sir your most obedient, and most humble servant.

TO THE ATTORNIES OF THE UNITED STATES FOR THE SEVERAL DISTRICTS, THOSE OF MAINE AND KENTUCKY EXCEPTED.

NEW YORK, August 12, 1790.

SIR,—It is desirable that government should be informed what proceedings have taken place in the several States since the treaty with Great Britain, which may be considered by that nation as infractions of the treaty, and consequently that we should be furnished with copies of all acts, orders, proclamations, and decisions, legislative, executive, or judiciary, which may have affected the debts or other property, or the persons, of British subjects or American refugees. The proceedings subsequent to the treaty, will sometimes call for those also which took place during the war. No person is more able than yourself, Sir, to furnish us with a list of the proceedings of this kind which have taken place within your State, nor is there any one on whom we may with more propriety rely for it, as well as to take the trouble of furnishing us with exact copies of them. Should you be so kind as to state any facts or circumstances which may enter into the justification or explanation of any of these proceedings, they will be thankfully received; and it is wished the whole may come to hand between this and the last of October.

While I am troubling you with this commission, I am obliged to add a second, which being undertaken at this time, will abridge the labor of the first. It is found indispensable that we be possessed here of a complete collection of all the printed laws

and ordinances, ancient and modern, of every State of the Union. I must ask the favor of you, Sir, to have such a collection made for us, so far as relates to your State. The volumes of this collection which, being more modern, may be more readily found, I will ask the favor of you to send immediately by whatever conveyance you think safest and best; those more rarely to be had, you will be so good as to forward from time to time, as you can get them. For your reimbursement, be pleased to draw on me, only expressing in your draught that it is for "the laws of your State, purchased and forwarded for the United States:" or, if it should be more convenient to you, I will at any time send you an order from the treasury for your reimbursement on the collection most convenient to you. This shall be as you please.

Your zeal for the general service needs not to be excited by information, that it is with the special approbation of the President of the United States that I address you on this occasion.

I have the honor to be, with great regard, Sir, your most obedient, and most humble servant.

TO MR. RANDOLPH.

NEW-YORK, August 14. 1790.

DEAR SIR,—I am setting out on a trip to Rhode Island with the President to-morrow, by water. We shall be absent five or six days, and of course his departure hence to the southward will be that much later than he intended; and my departure, which must be after his, a little delayed. Still I hope to reach Monticello by the 15th of September, or from that to the 20th. We have just concluded a treaty with the Creeks, which is important, as drawing a line between them and Georgia, and enabling the government to do, as it will do, justice against either party offending. Congress separated the day before yesterday, having in the latter part of their session re-acquired the harmony which had always distinguished their proceedings, till the two disagreeable subjects of the assumption and residence were

introduced. These really threatened, at one time, a separation of the legislature *sine die.* They saw the necessity of suspending almost all business for some time; and, when they resumed it, of some mutual sacrifices of opinion. It is not foreseen that anything so generative of dissension can arise again, and therefore the friends of the government hope that, this difficulty once surmounted in the States, everything will work well. I am principally afraid that commerce will be overloaded by the assumption, believing that it would be better that property should be duly taxed. Present me affectionately to my dear daughters, and believe me to be sincerely yours.

TO GOVERNOR HANCOCK.

NEW YORK, August 24, 1790.

SIR,—The representatives of the United States have been pleased to refer to me the representation from the general court of Massachusetts, on the subject of the whale and cod fisheries, which had been transmitted by your Excellency, with an instruction to examine the matter thereof, and report my opinion thereupon to the next session of Congress. To prepare such a report as may convey to them the information necessary to lead to an adequate remedy, it is indispensable that I obtain a statement of the fisheries, comprehending such a period before and since the war, as may show the extent to which they were and are carried on. With such a statement under their view, Congress may be able, by comparing the circumstances which existed when the fisheries flourished, with those which exist at this moment of their decline, to discover the cause of that decline, and provide either a remedy for it, or something which may countervail its effect. This information can be obtained nowhere but in the State over which your Excellency presides, and under no other auspices so likely to produce it. May I, therefore, take the liberty of soliciting your Excellency to charge with the collecting and

furnishing me this information, some person or persons who may be competent to the object. Taking a point of commencement at a proper interval before the year of greatest prosperity, there should be stated in a table, year by year, under different columns, as follows:

1. The number of vessels fitted out each year for the cod-fishery. 2. Their tonnage. 3. The number of seamen employed. 4. The quantity of fish taken; 1, of superior quality; 2, of inferior. 5. The quantity of each kind exported; 1, to Europe, and to what countries there; 2, to other, and what parts of America. 6. The average prices at the markests, 1, of Europe; 2, of America. With respect to the whale fishery, after the three first articles, the following should be substituted. 4. Whether to the northern or southern fishery. 5. The quantity of oil taken; 1, of the spermaceti whale; 2, of the other kinds. 6. To what market each kind was sent. 7. The average prices of each. As the ports from which the equipments were made, could not be stated in the same table conveniently, they might form a separate one. It would be very material that I should receive this information by the first of November, as I might be able to bestow a more undisturbed attention to the subject before than after the meeting of Congress, and it would be better to present it to them at the beginning, than towards the close of a session.

The peculiar degree of interest with which this subject must affect the State of Massachusetts, the impossibility of obtaining necessary information from any other quarter, and the slender means I should have of acquiring it from thence, without the aid of your Excellency, will, I hope, be a sufficient apology for the trouble I take the liberty of giving you; and I am happy in every occasion of repeating assurances of the respect and attachment with which I have the honor to be, your Excellency's most obedient, and most humble servant.

Circular of the Consuls and Vice-Consuls of the United States.

NEW YORK, August 26. 179).

SIR,—I expected ere this, to have been able to send you an act of Congress, prescribing some special duties and regulations for the exercise of the consular offices of the United States; but Congress not having been able to mature the act sufficiently, it lies over to their next session. In the meanwhile, I beg leave to draw your attention to some matters of information, which it is interesting to receive.

I must beg the favor of you to communicate to me every six months, a report of the vessels of the United States which enter at the ports of your district, specifying the name and burthen of each vessel, of what description she is, (to wit, ship, snow, brig, &c.,) the names of the master and owners, and number of seamen, the port of the United States from which she cleared, places touched at, her cargo outward and inward, and the owners thereof, the port to which she is bound, and times of arrival and departure; the whole arranged in a table under different columns, and the reports closing on the last days of June and December.

We wish you to use your endeavors that no vessel enter as an American in the ports of your district, which shall not be truly such, and that none be sold under that name, which are not really of the United States.

That you give to me, from time to time, information of all military preparations, and other indications of war which may take place in your ports; and when a war shall appear imminent, that you notify thereof the merchants and vessels of the United States within your district, that they may be duly on their guard; and in general, that you communicate to me such political and commercial intelligence, as you may think interesting to the United States.

The consuls and vice-consuls of the United States are free to wear the uniform of their navy, if they choose to do so. This is a deep blue coat with red facings, lining and cuffs, the cuffs slashed and a standing collar; a red waistcoat (laced or not at the

election of the wearer) and blue breeches; yellow buttons with a foul anchor, and black cockades and small swords.

Be pleased to observe, that the vice-consul of one district is not at all subordinate to the consul of another. They are equally independent of each other.

The ground of distinction between these two officers is this. Our government thinks, that to whatever there may be either of honor or profit resulting from the consular office, native citizens are first entited, where such, of proper character, will undertake the duties; but where none such offer, a vice-consul is appointed of any other nation. Should a proper native come forward at any future time, he will be named consul; but this nomination will not revoke the commission of vice-consul; it will only suspend his functions during the continuance of the consul within the limits of his jurisdiction, and on his departure therefrom, it is meant that the vice-consular authority shall revive of course, without the necessity of a re-appointment.

It is understood, that consuls and vice-consuls have authority of course, to appoint their own agents in the several ports of their district, and that it is with themselves alone those agents are to correspond.

It will be best not fatigue the government in which you reside, or those in authority under it, with applications in unimportant cases. Husband their good dispositions for occasions of some moment, and let all representations to them be couched in the most temperate and friendly terms, never indulging in any case whatever, a single expression which may irritate.

I have the honor to be, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

NEW YORK, August 26. 1790.

DEAR SIR,—My last letters to you have been of the 26th of July, and 10th instant. Yours of May the 16th, No. 31, has come to hand.

I enclose you sundry papers, by which you will perceive, that the expression in the eleventh article of our treaty of amity and commerce with France, viz. "that the subjects of the United States shall not be reputed Aubaines *in France*, and consequently shall be exempted from the Droit d'Aubaine, or other similar duty, under what name soever," has been construed so rigorously to the letter, as to consider us as Aubaines in the *colonies* of France. Our intercourse with those colonies is so great, that frequent and important losses will accrue to individuals, if this construction be continued. The death of the master or supercargo of a vessel, rendered a more common event by the unhealthiness of the climate, throws all the property which was either his, or under his care, into contest. I presume that the enlightened Assembly now engaged in reforming the remains of feudal abuse among them, will not leave so inhospitable an one as the Droit d'Aubaine existing in France, or any of its dominions. If this may be hoped, it will be better that you should not trouble the minister with any application for its abolition in the colonies as to us. This would be erecting into a special favor to us, the extinction of a general abuse, which will, I presume, extinguish of itself. Only be so good as to see, that in abolishing this odious law in France, its abolition in the colonies also, be not omitted by mere oversight; but if, contrary to expectations, this fragment of barbarism be suffered to remain, then it will become necessary that you bring forward the enclosed case, and press a liberal and just exposition of our treaty, so as to relieve our citizens from this species of risk and ruin hereafter. Supposing the matter to rest on the eleventh article only, it is inconceivable, that he, who with respect to his personal goods is as a native citizen in the mother country, should be deemed a foreigner in its colonies. Accordingly, you will perceive by the opinions of Dr. Franklin and Dr. Lee, two of our ministers who negotiated and signed the treaty, that they considered that rights stipulated for us *in France*, were meant to exist in all the *dominions of France*.

Considering this question under the second article of the treaty also, we are exempted from the Droit d'Aubaine in all the domin-

ions of France; for by that article, no particular favor is to be granted to any other nation, which shall not immediately become common to the other party. Now, by the forty-fourth article of the treaty between France and England, which was subsequent to ours, it is stipulated, "que dans tout ce qui concerne—*les successions des biens mobiliers*—les sujets des deux hautes parties contractantes auront *dans les Etats respectifs* les memes privileges, libertés et droits, que la nation la plus favorisée." This gave to the English the general abolition of the Droit d'Aubaine, enjoyed by the Hollanders under the first article of their treaty with France, of July the 23d, 1773, which is in these words. "Les sujets des E. G. des P. U. des pays-bas ne seront point assujettis au Droit d'Aubaine dans les Etats de S. M. T. C." This favor then, being granted to the English subsequent to our treaty, we become entitled to it of course by the article in question. I have it not in my power at this moment, to turn to the treaty between France and Russia, which was also posterior to ours. If by that, the Russians are exempted from the Droit d'Aubaine, "*dans les Etats de* S. M. T. C." it is a ground the more for our claiming the exemption. To these, you will be pleased to add such other considerations of reason, friendship, hospitality and reciprocity, as will readily occur to yourself.

About two or three weeks ago, a Mr. Campbell called on me, and introduced himself by observing that his situation was an awkward one, that he had come from Denmark with an assurance of being employed here in a public character, that he was actually in service, though un-announced. He repeated conversations which had passed between Count Bernstorff and him, and asked me when a minister would be appointed to that court, or a character sent to negotiate a treaty of commerce; he had not the scrip of a pen to authenticate himself, however informally. I told him our government had not yet had time to settle a plan of foreign arrangements; that with respect to Denmark particularly, I might safely express to him those sentiments of friendship which our government entertained for that country, and assurances that the King's subjects would always meet with favor

and protection here; and in general, I said to him those things which being true, might be said to anybody. You can perhaps learn something of him from the Baron de Blome. If he be an unauthorized man, it would be well it should be known here, as the respect which our citizens might entertain, and the credit they might give to any person supposed to be honored by the King's appointment, might lead them into embarrassment.

You know the situation of the new loan of three millions of florins going on at Amsterdam. About one half of this is destined for an immediate payment to France; but advantage may be gained by judiciously timing the payment. The French colonies will doubtless claim in their new constitution, a right to receive the necessaries of life from whomever will deliver them cheapest; to wit, grain, flour, live stock, salted fish, and other salted provisions. It would be well that you should confer with their deputies, guardedly, and urge them to this demand, if they need urging. The justice of the National Assembly will probably dispose them to grant it, and the clamors of the Bourdeaux merchants may be silenced by the clamors and arms of the colonies. It may co-operate with the influence of the colonies, if favorable dispositions towards us can be excited in the moment of discussing this point. It will therefore be left to you to say when the payment shall be made, in confidence that you will so time it, as to forward this great object; and when you make this payment, you may increase its effect, by adding assurances to the minister, that measures have been taken which will enable us to pay up, within a very short time, all arrears of principal and interest now due; and further, that Congress has fully authorized our government to go on and pay even the balance not yet due, which we mean to do, if that money can be borrowed on reasonable terms; and that favorable arrangements of commerce between us and their colonies, might dispose us to effect that payment with less regard to terms. You will, of course, find excuses for not paying the money which is ready and put under your orders, till you see that the moment has arrived when the emotions

it may excite, may give a decisive cast to the demands of the colonies.

The newspapers, as usual, will accompany the present.

I have the honor to be, with great esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO THE SECRETARY OF WAR.

New York, August 26, 1790.

Dear Sir,—On the hasty view which the shortness of time permits me to take of the treaty of Hopewell, the act of cession of North Carolina and the act of acceptance by Congress, I hazard the following sentiments:

Were the treaty of Hopewell, and the act of acceptance of Congress to stand in any point in direct opposition to each other, I should consider the act of acceptance as void in that point; because the treaty is a law made by two parties, and not revocable by one of them either acting alone or in conjunction with a third party. If we consider the acceptance as a legislative act of Congress, it is the act of one party only; if we consider it as a treaty between Congress and North Carolina, it is but a subsequent treaty with another power, and cannot make void a preceding one with a different power.

But I see no such opposition between these two instruments. The Cherokees were entitled to the sole occupation of the lands within the limits guaranteed to them. The State of North Carolina, according to the *jus gentium* established for America by universal usage, had only a right of pre-emption of these lands against all other nations. It could convey, then, to its citizens only this right of pre-emption, and the right of occupation could not be united to it till obtained by the United States from the Cherokees. The act of cession of North Carolina only preserves the rights of its citizens in the same state as they would have been, *had that act never been passed.* It does not make imperfect titles perfect; but only prevents their being made

worse. Congress, by their act, accept on these conditions. The claimants of North Carolina, then, and also the Cherokees, are exactly where they would have been, had neither the act of cession, nor that of acceptance, been ever made; that is, the latter possess the right of occupation, and the former the right of pre-emption.

Though these deductions seem clear enough, yet the question would be a disagreeable one between the general government, a particular government, and individuals, and it would seem very desirable to draw all the claims of pre-emption within a certain limit, by commuting for those out of it, and then to purchase of the Cherokees the right of occupation.

I have the honor to be, my dear Sir, yours respectfully and affectionately.

TO M. LA FOREST, *Consul of France.*

NEW YORK, August 30, 1790.

SIR,—I asked the favor of the Secretary of the Treasury to consider the fourth article of the consular convention, and to let me know whether he should conclude that consuls not exercising commerce, were exempt from paying duties on things imported for their own use. I furnished him no explanation whatever, of what had passed on the subject at the time of forming the convention, because I thought it should be decided on the words of the convention, as they are offered to all the world, and that it would only be where these are equivocal, that explanations might be adduced from other circumstances. He considered the naked words of the article, and delivered me as his opinion, that, according to these, the first paragraph, "The consuls, and vice-consuls, &c., as the natives are," subjected all their property, in whatever form and under whatever circumstances it existed, to the same duties and taxes to which the property of other individuals is liable, and exempts them only from *taxes on their persons*, as poll taxes, head rates for the poor, for town charges, &c.; and that the second paragraph, "Those of

the said consuls, &c., or other merchants," subjected such of them as exercised commerce, even to the same *personal taxes* as other merchants are: that the second paragraph is an abridgment of the first, not an enlargement of it; and that the exemption of those, not merchants, which seemed *implied* in the words of the second paragraph, could not be admitted against the contrary meaning, directly and unequivocally expressed in the first.

Such, Sir, was his opinion, and it is exactly conformable to what the negotiators had in view in forming this article. I have turned to the papers which passed on that occasion, and I find that the first paragraph was proposed in the first project given in by myself, by which the distinction between taxes on their property and taxes on their persons, is clearly enounced, and was agreed to; but as our merchants exercising commerce in France, would have enjoyed a much greater benefit from the personal exemption, than those of France do here, M. de Reyneval, in his first counter-project, inserted the second paragraph, to which I agreed. So that the object was, in the first paragraph, to put consuls, not being merchants, on the same footing with citizens, not being merchants; and in the second, to put consuls, merchants, on the same footing with citizens, merchants.

This, Sir, we suppose to be the sense of the convention, which has become a part of the law of the land, and the law, you know, in this country, is not under the control of the executive, either in its meaning or course. We must reserve, therefore, for more favorable occasions, our dispositions to render the situation of the consuls of his Majesty as easy as possible, by indulgences depending more on us; and of proving the sentiments of esteem and attachment to yourself personally, with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO MR. BONDFIELD.

NEW YORK, August 31, 1790.

DEAR SIR,—You will have understood perhaps that in the appointment of consuls, which has taken place, another than

yourself has been named for Bordeaux. I feel it a duty to explain this matter to you, lest it should give you an uneasiness as to the cause. No nomination occasioned more difficulty, nor hung longer suspended. But the senate refused in every instance, where there was a *native citizen* in any port, to consent to the nomination of any other. While this explains the reason of your not having been appointed, I trust it will also excuse those with whom the appointment rested. With respect to myself particularly, I beg you to be assured that I shall be happy in every occasion of being useful to you, and of proving to you the sentiments of esteem and attachment with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO MR. VIAR.

MONTICELLO, October 27, 1790.

SIR,—I am honored here by the receipt of your favor of the 7th instant, covering a letter to me from the governor of East Florida, wherein he informs me that he has received the King's orders, not to permit, under any pretext, that persons held in slavery in the United States introduce themselves as free, into the province of East Florida. I am happy that this grievance, which had been a subject of great complaint from the citizens of Georgia, is to be removed, and that we have therein a proof as well of the general principles of justice which form the basis of his Majesty's character and administration, as of his disposition to meet us in the cultivation of that mutual friendship and union of interests which would be the happiness of both countries, and is the sincere wish of ours.

I have the honor to be, with sentiments of the most perfect respect and esteem, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO. October 27, 1790.

SIR,—I had intended to set out about this time for Philadelphia, but the desire of having Mr. Madison's company, who cannot return for some days yet, and believing that nothing important requires my presence at Philadelphia as yet, induce me to postpone my departure to the 8th of the ensuing month, so that it will be about the 12th before I can have the honor of waiting on you at Mount Vernon, to take your commands. In the meantime, the papers enclosed will communicate to you everything which has occurred to me since I saw you, and worthy notice. Our affair with Algiers seems to call for some new decision; and something will be to be done with the new Emperor of Morocco. Mr. Madison and myself have endeavored to press on some members of the assembly the expediency of their undertaking to build two good private dwelling houses a year, for ten years in the new city, to be rented or sold for the benefit of the State. Should they do this, and Maryland as much, it will be one means of ensuring the removal of government thither. Candidates for the Senate are said to be the Speaker. Colonel Harrison, Colonel H. Lee, and Mr. Walker; but it is the opinion of many that Colonel Monroe will be impressed into the service. He has agreed, it seems, with a good deal of reluctance, to say he will serve if chosen. I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO FREDERICK KINLOCH, ESQ.

PHILADELPHIA, November 26, 1790.

DEAR SIR,—Your favor of April 26th, 1789, did not come to my hands till the 4th of the last month, when it found me on my way to Virginia. It should not otherwise have been so long unanswered. I am certainly flattered by the approbation you

are so good as to express of the Notes on Virginia. The passage relative to the English, which has excited disagreeable sensations in your mind, is accounted for by observing that it was written during the war, while they were committing depredations in my own country and on my own property never practised by a civilized nation. Perhaps their conduct and dispositions since the war have not been as well calculated as they might have been to excite more favorable dispositions on our part. Still, as a political man, they shall never find any passion in me either for or against them. Whenever their avarice of commerce will let them meet us fairly half way, I should meet them with satisfaction, because it would be for our benefit; but I mistake their character if they do this under present circumstances.

The rumors of war seem to pass away. Such an event might have produced to us some advantages; but it might also have exposed us to dangers; and on the whole I think a general peace more desirable. Be so good as to present my respects to Mrs. Kinloch, and to be assured of the esteem and respect with which I am, dear Sir, your most obedient, and most humble servant.

TO GOVERNEUR MORRIS.

PHILADELPHIA, November 26, 1790.

DEAR SIR,—I have yet to acknowledge the receipt of your two favors of April 10 and July 7. By the latter it would seem as if you had written an intermediate one, which has never come to hand; and the letter of July 7 itself, was not received till the 14th of October, while I was in Virginia, from which I am but just returned. The President is not yet returned, though expected to-morrow. The Declaration and Counter-Declaration established with us a full expectation that peace would be continued; perhaps this is still the most rational opinion, though the *English* papers continue to talk of preparations for war. That such an event would have ensured good prices for our produce.

and so far have been advantageous, is probable; but it would have exposed us to risks also, which are better deferred, for some years at least. It is not to be expected that our system of finance has met your approbation in all its parts. It has excited even here great opposition; and more especially that part of it which transferred the State debts to the general government. The States of Virginia and North Carolina are peculiarly dissatisfied with this measure. I believe, however, that it is harped on by many to mask their disaffection to the government on other grounds. Its great foe in Virginia is an implacable one. He avows it himself, but does not avow all his motives for it. The measures and tone of the government threaten abortion to some of his speculations; most particularly to that of the Yazoo territory. But it is too well nerved to be overawed by individual opposition. It is proposed to provide additional funds, to meet the additional debt, by a tax on spirituous liquors, foreign and home-made, so that the whole interest will be paid by taxes on consumption. If a sufficiency can now be raised in this way to pay the interest at present, its increase by the increase of population (suppose five per cent. per annum), will alone sink the principle within a few years, operating, as it will, in the way of compound interest. Add to this what may be done by throwing in the aid of western lands and other articles as a sinking fund, and our prospect is really a bright one.

A pretty important expedition has been undertaken against the Indians north of the Ohio. As yet we have no news of its success. The late elections of members of Congress have changed about a third or fourth of them. It is imagined the session of Congress, which is to begin within ten days, will end on the 3d of March, with the federal year; as a continuance over that day would oblige them to call forward the new members. The admission of Vermont and Kentucky into Congress, will be decided on in this session. I have the honor to be, with very great esteem, dear Sir, your most obedient, and most humble servant.

TO COUNT DE MOUSTIER.

PHILADELPHIA, December 8, 1790.

DEAR SIR,—I am afraid I have suffered in your opinion from the delay of acknowledging the receipt of your several letters, into which I have been led by unavoidable circumstances. The truth is that since my arrival in America (now exactly a twelvemonth), I have been able to pass not one-third of that time at the seat of government, one half of which was lost by an illness, during which I was incapable of doing anything, and the residue so engaged by accumulated business as to oblige me to suspend my private correspondences. I beg you to be assured that yours is valued by me too much to have been suspended under any other circumstances. I am just now returned from Virginia to this place, where the members of government are now assembling to begin its administration here, and I avail myself of the first moments to recall myself to your recollection. Fortune seems to have arranged among her destinies that I should never continue for any time with a person whose manners and principles had excited my warm attachment. While I resided in France, you resided in America. While I was crossing over to America, you were crossing back to France; when I am come to reside with our government, your residence is transferred to Berlin. Of all this, Fortune is the mistress; but she cannot change my affections, nor lessen the regrets I feel at their perpetual disappointment. I am sincerely sorry at the delays which the settlement of your constitution has experienced. I suppose they have been rendered unavoidable by difficulties, and hope all will end well. They have certainly prolonged the risk to which the new work was exposed from without as well as within. I think it would be better to wind it up as quickly as possible, to consider it as a mere experiment to be amended hereafter, when time and trial shall show where it is imperfect. Our second experiment is going on happily; and so far we have no reason to wish for changes, except by adding those principles which several of the States thought were necessary as a further security for

their liberties. All of these, as proposed by Congress, will certainly be adopted, except the second, which is doubtful, and the first, which is rejected. The powers of the government for the collection of taxes, are found to be perfect, so far as they have been tried. This has been as yet only by duties on consumption. As these fall principally on the rich, it is a general desire to make them contribute the whole money we want, if possible. And we have a hope that they will furnish enough for the expences of government and the interest of our whole public debt, foreign and domestic. If they do this for the present, their increase, from the increase of population and consumption, (which is at the rate of five per centum per annum,) will sink the capital in thirteen or fourteen years, as it will operate in the way of compound interest. Independent of this prospect, which is itself a good one, we make the produce of our land office, and some other articles, a sinking fund for the principal. We are now going on with a census of our inhabitants. It will not be completed till the next summer; but such progress is already made as to show our numbers will very considerably exceed the former estimates. I shall be happy to hear of your health and welfare everywhere, and that you will continue persuaded of the sentiments of respect and esteem with which I have the honor to be dear Sir, your most obedient, and most humble servant.

TO MR. NOAH WEBSTER, AT HARTFORD.

PHILADELPHIA, December 4, 1790.

SIR,—Your favor of October 4 came to my hands on the 20th of November. Application was made a day or two after to Mr. Dobson for the copies of your Essays, which were received, and one of them lodged in the office. For that intended for myself, be pleased to accept my thanks. I return you the order on Mr. Allen, that on Dobson having been made use of instead of it. I submit to your consideration whether it might not be advisable to record a second time your right to the Grammatical Institutes,

in order to bring the lodging of the copy in my office within the six months, made a condition in the law? I have not at this moment an opportunity of turning to the law to see if that may be done; but I suppose it possible that the failure to fulfil the legal condition on the first record might excite objections against the validity of that.

In mentioning me in your Essays, and canvassing my opinions, you have done what every man has a right to do, and it is for the good of society that that right should be freely exercised. No republic has more zeal than that of letters, and I am the last in principles, as I am the least in pretensions, to any dictatorship in it. Had I other dispositions, the philosophical and dispassionate spirit with which your have expressed your own opinions in opposition to mine, would still have commanded my approbation. A desire of being set right in your opinion, which I respect too much not to entertain that desire, induces me to hazard to you the following observations. It had become an universal and almost uncontroverted position in the several States, that the purposes of society do not require a surrender of all our rights to our ordinary governors; that there are certain portions of right not necessary to enable them to carry on an effective government, and which experience has nevertheless proved they will be constantly encroaching on, if submitted to them; that there are also certain fences which experience has proved peculiarly efficacious against wrong, and rarely obstructive of right, which yet the governing powers have ever shown a disposition to weaken and remove. Of the first kind, for instance, is freedom of religion; of the second, trial by jury, habeas corpus laws, free presses. These were the settled opinions of all the States,—of that of Virginia, of which I was writing, as well as of the others. The others had, in consequence, delineated these unceded portions of right, and these fences against wrong, which they meant to exempt from the power of their governors, in instruments called declarations of rights and constitutions; and as they did this by conventions, which they appointed for the express purpose of reserving these rights, and of delegating others to their ordinary

legislative, executive and judiciary bodies, none of the reserved rights can be touched without resorting to the people to appoint another convention for the express purpose of permitting it. Where the constitutions then have been so formed by conventions named for this express purpose, they are fixed and unalterable but by a convention or other body to be specially authorized; and they have been so formed by, I believe, all the States, except Virginia. That State concurs in all these opinions, but has run into the wonderful error that her constitution, though made by the ordinary legislature, cannot yet be altered by the ordinary legislature. I had, therefore, no occasion to prove to them the expediency of a constitution alterable only by a special convention. Accordingly, I have not in my notes advocated that opinion, though it was and is mine, as it was and is theirs. I take that position as admitted by them, and only proceed to adduce arguments to prove that they were mistaken in supposing their constitution could not be altered by the common legislature. Among other arguments I urge that the convention which formed the constitution had been chosen merely for ordinary legislation; that they had no higher power than every subsequent legislature was to have; that all their acts are consequently repealable by subsequent legislatures; that their own practice at a subsequent session proved they were of this opinion themselves; that the opinion and practice of several subsequent legislatures had been the same, and so conclude "that their constitution is alterable by the common legislature." Yet these arguments urged to prove that their constitution *is* alterable, you cite as if urged to prove that it *ought not to be* alterable, and you combat them on that ground. An argument which is good to prove one thing, may become ridiculous when exhibited as intended to prove another thing. I will beg the favor of you to look over again the passage in my notes, and am persuaded you will be sensible that you have misapprehended the object of my arguments, and therefore have combated them on a ground for which they were not intended. My only object in this is the rectification of your own opinion of me, which I repeat that I respect too much to neglect.

I have certainly no view of entering into the contest, whether it be expedient to delegate unlimited powers to our ordinary governors? my opinion is against that expediency; but my occupations do not permit me to undertake to vindicate all my opinions, nor have they importance enough to merit it. It cannot, however, but weaken my confidence in them, when I find them opposed to yours, there being no one who respects the latter more than, Sir, your most obedient, and most humble servant.

TO GOVERNEUR MORRIS.

PHILADELPHIA, December 17, 1790.

Since mine to you of August the 12th, yours of July the 3d, August the 16th, and September the 18th, have come to hand. They suffice to remove all doubts which might have been entertained as to the real intentions of the British cabinet, on the several matters confided to you. The view of government in troubling you with this business was, either to remove from between the two nations all causes of difference, by a fair and friendly adjustment, if such was the intention of the other party, or to place it beyond a doubt that such was not their intention. In result, it is clear enough that further applications would tend to delay, rather than advance our object. Is is therefore the pleasure of the President, that no orders be made; and that in whatever state this letter may find the business, in that state it be left. I have it in charge, at the same time, to assure you that your conduct in these communications with the British ministers, has met the President's entire approbation, and to convey to you his acknowledgments for your services.

As an attendance on this business must, at times, have interferred with your private pursuits, and subjected you also to additional expenses, I have the honor to enclose you a draft on our bankers in Holland, for a thousand dollars, as an indemnification for those sacrifices.

My letter of August the 12th, desired a certain other commu-

nication to be made to the same court, if a war should have actually commenced. If the event has not already called for it, it is considered as inexpedient to be made at all.

You will of course have the goodness to inform us of whatever may have passed further, since the date of your last.

In conveying to you this testimony of approbation from the President of the United States, I am happy in an occasion of repeating assurances of the sentiments of perfect esteem and respect with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO JOSHUA JOHNSON.

PHILADELPHIA, December 17, 1790.

SIR,—Though not yet informed of the receipt of my letter, covering your commission as consul for the United States, in the port of London, yet knowing that the ship has arrived by which it went, I take for granted the letter and commission have gone safe to hand, and that you have been called into the frequent exercise of your office for the relief of our seamen, upon whom such multiplied acts of violence have been committed in England, by press-gangs, pretending to take them for British subjects, not only without evidence, but against evidence. By what means may be procured for our seamen, while in British ports, that security for their persons which the laws of hospitality require, and which the British nation will surely not refuse, remains to be settled. In the meantime, there is one of these cases, wherein so wilful and so flagrant a violation has been committed by a British officer, on the person of one of our citizens, as requires that it be laid before his government, in friendly and firm reliance of satisfaction for the injury, and of assurance for the future, that the citizens of the United States, entering the ports of Great Britain, in pursuit of a lawful commerce, shall be protected by the laws of hospitality in usage among nations.

It is represented to the President of the United States, that Hugh Purdie, a native of Williamsburg, in Virginia, was, in the

month of July last, seized in London by a party of men, calling themselves press-officers, and pretending authority from their government so to do, notwithstanding his declarations and the evidence he offered of his being a native citizen of the United States; and that he was transferred on board the Crescent, a British ship of war, commanded by a Captain Young. Passing over the intermediate violences exercised on him, because not peculiar to his case (so many other American citizens having suffered the same), I proceed to the particular one which distinguishes the present representation. Satisfactory evidence having been produced by Mr. John Brown Cutting, a citizen of the United States, to the Lords of the Admiralty, that Hugh Purdie was a native citizen of the same States, they, in their justice, issued orders to the Lord Howe, their Admiral, for his discharge. In the meantime, the Lord Howe had sailed with the fleet of which the Crescent was. But, on the 27th of August, he wrote to the board of admiralty, that he had received their orders for the discharge of Hugh Purdie, and had directed it accordingly. Notwithstanding these orders, the receipt of which at sea Captain Young acknowledges, notwithstanding Captain Young's confessed knowledge, that Hugh Purdie was a citizen of the United States, from whence it resulted that his being carried on board the Crescent and so long detained there, had been an act of wrong, which called for expiatory conduct and attentions, rather than new injuries on his part towards the sufferer, instead of discharging him according to the orders he had received, on his arrival in port, which was on the 14th of September, he, on the 15th, confined him in irons for several hours, then had him bound and scourged in presence of the ship's crew, under a threat to the executioner that if he did not do his duty well, he should take the place of the sufferer. At length he discharged him on the 17th, without the means of subsistence for a single day. To establish these facts, I enclose you copies of papers communicated to me by Mr. Cutting, who laid the case of Purdie before the board of admiralty, and who can corroborate them by his personal evidence. He can especially verify the letter of Cap-

tain Young, were it necessary to verify a paper, the original of which is under the command of his Majesty's ministers, and this paper is so material, as to supersede of itself all other testimony, confessing the orders to discharge Purdie, that yet he had whipped him, and that it was impossible, without giving up all sense of discipline, to avoid whipping a free American citizen. We have such confidence in the justice of the British government, in their friendly regard to these States, in their respect for the honor and good understanding of the two countries, compromitted by this act of their officer, as not to doubt their due notice of *him*, indemnification to the sufferer, and a friendly assurance to these States that effectual measures shall be adopted in future, to protect the persons of their citizens while in British ports.

By the express command of the President of the United States, you are to lay this case, and our sense of it, before his Britannic Majesty's minister for Foreign Affairs, to urge it on his particular notice by all the motives which it calls up, and to communicate to me the result.

I have the honor to be, with great esteem, your most obedient humble servant.

TO JOSHUA JOHNSON.

PHILADELPHIA, December 28 1790.

DEAR SIR,—The vexations of our seamen and their sufferings under the press-gangs of England, have become so serious, as to oblige our government to take serious notice of it. The particular case has been selected where the insult to the United States has been the most barefaced, the most deliberately intentional, and the proof the most complete. The enclosed letter to you is on that subject, and has been written on the supposition that you would show the original to the Duke of Leeds, and give him a copy of it, but as of your own movement, and not as if officially instructed so to do. You will be pleased to follow up this matter as closely as decency will permit, pressing it in firm but re-

spectful terms, on all occasions. We think it essential that Captain Young's case may be an example to others. The enclosed letters are important. Be so good as to have them conveyed by the surest means possible.

I am, with great esteem, dear Sir, your most obedient, and most humble servant.

TO A. HAMILTON.

December 29, 1790.

Thomas Jefferson presents his respectful compliments to the Secretary of the Treasury, and his condolences on the accident of the other evening, which he hopes has produced no serious loss.

He encloses to the Secretary of the Treasury a report of a committee of the National Assembly of France, on the subject of Billon, containing more particular information as to that species of coin than he had before met with. If the metal be so mixed as to make it of 1-5 of the intrinsic value of the standard silver coin of the United States, the cent of billon will be a little smaller than the present 16ths of dollars, and consequently be more convenient than a copper cent. This he submits to the better judgment of the Secretary of the Treasury, and hopes he will consider the liberty taken as an advance towards unreserved communications for reciprocal benefit.

TO MR. SHORT.

PHILADELPHIA, January 23 1791.

SIR,—The 3d and subsequent amendments to the constitution have been agreed to by New Hampshire, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, and South Carolina. The first by New Hampshire, Rhode Island, New York, New Jersey, Maryland, North and South Carolina, and the second by only New Jersey, Delaware, Maryland, and the two Carolina's. The other States, viz. Massachu-

setts, Connecticut, Virginia and Georgia, have not decided on them. Vermont has acceded to the new Constitution of the United States, and is coming forward to ask admission into Congress. Kentucky has asked the same, and a bill for the purpose has passed the Senate, and is now before the Representatives, where it will meet with no difficulty. But they have only asked admission for the year 1792.

The census had made considerable progress, but will not be completed till midsummer. It is judged at present that our numbers will be between four and five millions. Virginia it is supposed will be between 7 and 800,000.

You will perceive by the papers that the object of our Indian expedition has been so imperfectly obtained, as to call for another the ensuing year. By the present conveyance you will probably receive a proclamation, locating the federal territory so as to comprehend Georgetown. It will appear within a day or two. We must still pursue the redemption of our captives through the same channel, till some better means can be devised. The money, however, which is in Mr. Grand's hands, will be the subject of a letter to you from the Secretary of the Treasury, as soon as he can have an act of Congress authorizing the application of it to the debt of the foreign officers.

The most important matters now before Congress are propositions to establish a bank, to establish a land office and excise. The latter measure, though severely modified, is very unpopular in the middle and southern States.

Fenno's and Davies' papers will accompany this. These contain all the laws of the last session, and therefore it is thought better to defer sending them to you in a body, till a third edition appears, which is proposed to be printed, as this will be more conveniently conveyed as well as handled.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL MASON.

PHILADELPHIA, February 4, 1791.

DEAR SIR,—I am to make you my acknowledgments for your favor of January 10th, and the information from France which it contained. It confirmed what I had heard more loosely before, and accounts still more recent are to the same effect. I look with great anxiety for the firm establishment of the new government in France, being perfectly convinced that if it takes place there, it will spread sooner or later all over Europe. On the contrary, a check there would retard the revival of liberty in other countries. I consider the establishment and success of their government as necessary to stay up our own, and to prevent it from falling back to that kind of a half-way house, the English constitution. It cannot be denied that we have among us a sect who believe that to contain whatever is perfect in human institutions; that the members of this sect have, many of them, names and offices which stand high in the estimation of our countrymen. I still rely that the great mass of our community is untainted with these heresies, as is its head. On this I build my hope that we have not labored in vain, and that our experiment will still prove that men can be governed by reason. You have excited my curiosity in saying "there is a particular circumstance, little attended to, which is continually sapping the republicanism of the United States." What is it? What is said in our country of the fiscal arrangements now going on? I really fear their effect when I consider the present temper of the southern States. Whether these measures be right or wrong abstractedly, more attention should be paid to the general opinion. However, all will pass—the excise will pass—the bank will pass. The only corrective of what is corrupt in our present form of government will be the augmentation of the numbers in the lower House, so as to get a more agricultural representation, which may put that interest above that of the stock-jobbers.

I had no occasion to sound Mr. Madison on your fears expressed in your letter. I knew before, as possessing his senti-

ments fully on that subject, that his value for you was undiminished. I have always heard him say that though you and he appeared to differ in your systems, yet you were in truth nearer together than most persons who were classed under the same appellation. You may quiet yourself in the assurance of possessing his complete esteem. I have been endeavoring to obtain some little distinction for our useful customers, the French. But there is a particular interest opposed to it, which I fear will prove too strong. We shall soon see. I will send you a copy of a report I have given in, as soon as it is printed. I know there is one part of it contrary to your sentiments; yet I am not sure you will not become sensible that a change should be slowly preparing. Certainly, whenever I pass your road, I shall do myself the pleasure of turning into it. Our last year's experiment, however, is much in favor of that by Newgate.

I am, with great respect and esteem, dear Sir, your friend and servant.

TO CHARLES HELLSTEDT, SWEDISH CONSUL.

PHILADELPHIA, February 14, 1791.

SIR,—I now return you the papers you were pleased to put into my hands, when you expressed to me your dissatisfaction that our court of admiralty had taken cognizance of a complaint of some Swedish sailors against their captain for cruelty. If there was error in this proceeding, the law allows an appeal from that to the Supreme Court; but the appeal must be made in the forms of the law, which have nothing difficult in them. You were certainly free to conduct the appeal yourself, without employing an advocate, but then you must do it in the usual form. Courts of justice, all over the world, are held by the laws to proceed according to certain forms, which the good of the suitors themselves requires they should not be permitted to depart from.

I have further to observe to you, Sir, that this question lies altogether with the courts of justice; that the constitution of the

United States having divided the powers of government into three branches, legislative, executive, and judiciary, and deposited each with a separate body of magistracy, forbidding either to interfere in the department of the other, the executive are not at liberty to intermeddle in the present question. It must be ultimately decided by the Supreme Court. If you think proper to carry it into that, you may be secure of the strictest justice from them. Partialities they are not at liberty to show. But, for whatever may come before the executive, relative to your nation, I can assure you of every favor which may depend on their dispositions to cultivate harmony and a good understanding with it.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO MR. HAZARD.

PHILADELPHIA, February 18, 1791.

SIR,—I return you the two volumes of records, with thanks for the opportunity of looking into them. They are curious monuments of the infancy of our country. I learn with great satisfaction that you are about committing to the press the valuable historical and State papers you have been so long collecting. Time and accident are committing daily havoc on the originals deposited in our public offices. The late war has done the work of centuries in this business. The last cannot be recovered, but let us save what remains; not by vaults and locks which fence them from the public eye and use in consigning them to the waste of time, but by such a multiplication of copies, as shall place them beyond the reach of accident. This being the tendency of your undertaking, be assured there is no one who wishes it more success than, Sir, your most obedient and most humble servant.

TO ———.*

PHILADELPHIA, February 19, 1791.

DEAR SIR,—I feel both the wish and the duty to communicate, in compliance with your request, whatever, within my knowledge, might render justice to the memory of our great countrymen, Dr. Franklin, in which Philosophy has to deplore one of its principal luminaries extinguished. But my opportunities of knowing the interesting facts of his life, have not been equal to my desire of making them known. I could indeed relate a number of those bon mots, with which he used to charm every society, as having heard many of them. But these are not your object. Particulars of greater dignity happened not to occur during his stay of nine months, after my arrival in France.

A little before that, Argand had invented his celebrated lamp, in which the flame is spread into a hollow cylinder, and thus brought into contact with the air within as well as without. Doctor Franklin had been on the point of the same discovery. The idea had occurred to him; but he had tried a bull-rush as a wick, which did not succeed. His occupations did not permit him to repeat and extend his trials to the introduction of a larger column of air than could pass through the stem of a bull-rush.

The animal magnetism too of the maniac Mesmer, had just received its death wound from his hand in conjunction with his brethren of the learned committee appointed to unveil that compound of fraud and folly. But after this, nothing very interesting was before the public, either in philosophy or politics, during his stay; and he was principally occupied in winding up his affairs there.

I can only therefore testify in general, that there appeared to me more respect and veneration attached to the character of Doctor Franklin in France, than to that of any other person in the same country, foreign or native. I had opportunities of knowing particularly how far these sentiments were felt by the foreign ambassadors and ministers at the court of Versailles. The fable

[* Address illegible.]

of his capture by the Algerines, propagated by the English newspapers, excited no uneasiness; as it was seen at once to be a dish cooked up to the palate of their readers. But nothing could exceed the anxiety of his diplomatic brethren, on a subsequent report of his death, which, though premature, bore some marks of authenticity.

I found the ministers of France equally impressed with the talents and integrity of Dr. Franklin. The Count de Vergennes particularly gave me repeated and unequivocal demonstrations of his entire confidence in him.

When he left Passy, it seemed as if the village had lost its patriarch. On taking leave of the court, which he did by letter, the King ordered him to be handsomely complimented, and furnished him with a litter and mules of his own, the only kind of conveyance the state of his health could bear.

No greater proof of his estimation in France can be given than the late letters of condolence on his death, from the National Assembly of that country, and the community of Paris, to the President of the United States and to Congress, and their public mourning on that event. It is, I believe, the first instance of that homage having been paid by a public body of one nation to a private citizen of another.

His death was an affliction which was to happen to us at some time or other. We have reason to be thankful he was so long spared; that the most useful life should be the longest also; that it was protracted so far beyond the ordinary span allotted to man, as to avail us of his wisdom in the establishment of our own freedom, and to bless him with a view of its dawn in the east, where they seemed, till now, to have learned everything, but how to be free.

The succession to Dr. Franklin, at the court of France, was an excellent school of humility. On being presented to any one as the minister of America, the commonplace question used in such cases was "*c'est vous, Monsieur, qui remplace le Docteur Franklin?*" "it is you, Sir, who replace Doctor Franklin?" I generally answered, "no one can replace him, Sir: I am only his successor."

These small offerings to the memory of our great and dear friend, whom time will be making greater while it is spunging us from its records, must be accepted by you, Sir, in that spirit of love and veneration for him, in which they are made; and not according to their insignificance in the eyes of a world, who did not want this mite to fill up the measure of his worth.

I pray you to accept, in addition, assurances of the sincere esteem and respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO HIS EXCELLENCY GOVERNOR HANCOCK.

PHILADELPHIA, February 20, 1791.

SIR,—With many thanks for the papers and information you were pleased to have procured for me on the important subject of the fisheries, I do myself the honor of now enclosing you a copy of my report to the House of Representatives. From the disposition I see prevailing in the principal mass of the Southern members to take measures which may secure to us the principal markets for the produce of the fisheries, and for rescuing our carrying trade from a nation not disposed to make just returns for it, I am in hopes something effectual will be done this session, if these principles are solidly supported by the members from your part of the Union, of which I trust there is no cause to doubt. Should nothing be done, I cannot say what consequences will follow, nor calculate their extent. May I take the liberty of presenting through you, Sir, another copy of the report to the committee who were pleased to lend their assistance in the collection of materials; to show them that I have not failed to present their testimony in that view which might tend to procure a proper interference in this interesting branch of business.

I have the honor to be, with sentiments of the most perfect respect and attachment, your Excellency's most obedient, and most humble servant.

TO M. DE PINTO.

PHILADELPHIA, February 21, 1791.

SIR,—I have duly received the letter of November the 30th, which your Excellency did me the honor to write, informing me that her most faithful Majesty had appointed Mr. Freire her minister resident with us, and stating the difficulty of meeting us in the exchange of a chargé des affaires, the grade proposed on our part. It is foreseen, that a departure from our system in this instance, will materially affect our arrangements with other nations; but the President of the United States has resolved to give her Majesty this proof of his desire to concur in whatever may best tend to promote that harmony and perfect friendship so interesting to both countries. He has, therefore, appointed Colonel Humphreys to be minister resident for the United States, at the court of her Majesty. This gentleman has long been of the President's own family, and enjoys his particular confidence. I make no doubt he will so conduct himself as to give perfect satisfaction to her Majesty and yourself, and I therefore recommend him to your friendly attention and respect. Mr. Freire will have every title to the same from us, and will assuredly receive it. It is always with pleasure, that I repeat the homage of those sentiments of respect and esteem with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO MR. PHILIP FRENEAU.

PHILADELPHIA, February 28, 1791.

SIR,—The clerkship for foreign languages in my office is vacant. The salary, indeed, is very low, being but two hundred and fifty dollars a year; but also, it gives so little to do, as not to interfere with any other calling the person may choose, which would not absent him from the seat of government. I was told a few days ago, that it might perhaps be convenient to you to accept it. If so, it is at your service. It requires no other quali-

fication than a moderate knowledge of the French. Should anything better turn up within my department that might suit you, I should be very happy to be able to bestow it so well. Should you conclude to accept the present, you may consider it as engaged to you, only be so good as to drop me a line informing me of your resolution. I am, with great esteem, Sir, your very humble servant.

TO THE COUNT DE MOUSTIER.

PHILADELPHIA. March 2. 1791.

SIR,—I have received your favor of November 6th, wherein you inform me that the King has thought proper, by a new mission to the court of Berlin, to put an end to your functions as his minister plenipotentiary with the United States. The President, in a letter to the King, has expressed his sense of your merit, and his entire approbation of your conduct while here, and has charged me to convey to yourself the same sentiments on his part.

Had you returned to your station with us, you would have received new and continued marks of the esteem inspired by the general worth of your character, as well by the particular dispositions you manifested towards this country.

Amidst the regrets excited by so early a loss of you, it will be a consolation, if your new situation shall contribute to advance your own happiness.

As a testimony of these sentiments, we ask your acceptance of a medal and chain of gold, with which Mr. Short is instructed to present you on the part of the United States.

To this general tribute, permit me to add my own, with sincere wishes for your constant happiness, and assurances of the respect and esteem with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO MR. INNES.

PHILADELPHIA, March 7, 1791.

DEAR SIR,—Your favor of July 8, came to my hands November 30. The infrequency of conveyances, is an apology for this late answer. I receive with pleasure this recognition and renewal of your former acquaintance, and shall be happy to continue it by an exchange of epistolary communications. Yours to me will be always welcome. Your first gives me information in the line of Natural History, and the second (not yet received) promises political news. The first is my passion, the last my duty, and therefore both desirable. I believe entirely with you, that the remains of fortifications found in the Western country, have been the works of the natives. Nothing I have ever yet heard of, proved the existence of a nation here who knew the use of iron. I have never heard even of *burnt* bricks, though they might be made without iron. The statue you have been so kind as to send me, and for which I beg you to accept my thanks, would, because of the hardness of the stone, be a better proof of the use of iron, than I ever yet saw; but as it is a solitary fact, and possible to have been made with implements of stone, and great patience, for which the Indians are remarkable, I consider it to have been so made. It is certainly the best piece of workmanship I ever saw from their hands. If the artist did not intend it, he has very happily hit on the representation of a woman in the first moments of parturition.

Mr. Brown, the bearer of this, will give you the Congressional news, some good, some so so, like everything else in this world. Our endeavors the last year to punish your enemies have had an unfortunate issue. The federal council has yet to learn by experience, which experience has long ago taught us in Virginia, that rank and file fighting will not do against Indians. I hope this year's experiment will be made in a more auspicious form. Will it not be possible for you to bring General Clark forward? I know the greatness of his mind, and am the more mortified at the cause which obscures it. Had not this unhappily taken

place, there was nothing he might not have hoped: could it be surmounted, his lost ground might yet be recovered. No man alive rated him higher than I did, and would again, were he to become again what I knew him. We are made to hope he is engaged in writing the account of his expeditions north of Ohio. They will be valuable morsels of history, and will justify to the world those who have told them how great he was.

Mr. Brown will tell you also that we are not inattentive to the interests of your navigation. Nothing short of actual rupture is omitted. What its effect will be, we cannot yet foretell; but we should not stop even here, were a favorable conjuncture to arise. The move we have now made must bring the matter to issue. I can assure you of the most determined zeal of our chief magistrate in this business, and I trust mine will not be doubted so far as it can be of any avail. The nail will be driven as far as it will go peaceably, and farther the moment that circumstances become favorable. I am, with great esteem, dear Sir, your friend and servant.

TO THE PRESIDENT OF THE NATIONAL ASSEMBLY OF FRANCE.

PHILADELPHIA, March 8, 1791.

SIR,—I have it in charge from the President of the United States of America, to communicate to the National Assembly of France, the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free representatives of a great nation, in their decree of the 11th of June, 1790.

That the loss of such a citizen should be lamented by us, among whom he lived, whom he so long and eminently served, and who feel their country advanced and honored by his birth, life and labors, was to be expected. But it remained for the National Assembly of France, to set the first example of the representative of one nation, doing homage, by a public act, to the private citizen of another, and by withdrawing arbitrary lines of

separation, to reduce into our fraternity the good and the great, wherever they have lived or died.

That these separations may disappear between us in all times and circumstances, and that the union of sentiment which mingles our sorrows on this occasion, may continue long to cement the friendship and the interests of our two nations, is our constant prayer. With no one is it more sincere than with him, who, in being charged with the honor of conveying a public sentiment, is permitted that of expressing the homage of profound respect and veneration with which he is, Sir, your most obedient, and most humble servant.

TO GOVERNOR QUESADA.

PHILADELPHIA, March 10, 1791.

SIR,—We have received with great satisfaction, notification of the orders of his Catholic Majesty, not to permit that persons, held in slavery within the United States, introduce themselves as free persons into the Province of Florida. The known justice of his Majesty and his Government, was a certain dependence to us, that such would be his will. The assurances your Excellency has been pleased to give us of your friendly dispositions, leave us no doubt you will have faithfully executed a regulation so essential to harmony and good neighborhood. As a consequence of the same principles of justice and friendship, we trust that your Excellency will permit, and aid the recovery of persons of the same description, who have heretofore taken refuge within your Government. The bearer hereof is authorized to wait on your Excellency to confer on this subject, and to concur in such arrangements as you shall approve for the recovery of such fugitives.

I beg you to be assured that no occasion shall be neglected of proving our dispositions to reciprocate these principles of justice and friendship, with the subjects of his Catholic Majesty, and

that you will be pleased to accept the homage of those sentiments of respect and esteem, with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO THE SECRETARY OF THE TREASURY.

PHILADELPHIA, March 12, 1791.

DEAR SIR,—The President has thought proper to appoint Colonel David Humphreys, minister resident for the United States at the court of Lisbon, with a salary of four thousand five hundred dollars a year, and an outfit equal to a year's salary. Besides this, by a standing regulation, he will be allowed his disbursements for gazettes transmitted here, translating and printing paper, where that shall be necessary, postage, couriers, and necessary aids to *poor* American sailors. An opportunity occurring, by a vessel sailing for Lisbon within a few days, to send him his commission, I shall be obliged to you to enable me to convey to him at the same time the means of receiving his outfit in the first instance, and his salary and disbursements above described, in quarterly payments afterwards.

An act of Congress having authorized the President to take measures for procuring a recognition of our treaty from the new Emperor of Morocco, arrangements for that purpose have been decided. The act allows twenty thousand dollars for this object, but not more than thirteen thousand dollars will be called for in the first instance, if at all, and these, or the means of drawing for them, not till six weeks hence. I thought it proper, however, to apprise you of the call at the earliest day possible, and while the President is here, and to ask your attention to it. I have the honor to be, with sentiments of the most perfect respect and esteem, dear Sir, your most obedient, and most humble servant.

TO MAJOR L'ENFANT.

March. — 1791.

SIR,—You are desired to proceed to Georgetown, where you will find Mr. Ellicot employed in making a survey and map of the Federal territory. The special object of asking your aid is to have drawings of the particular grounds most likely to be approved for the site of the federal town and buildings. You will therefore be pleased to begin on the eastern branch, and proceed from thence upwards, laying down the hills, valleys, morasses, and waters between that, the Potomac, the Tyber, and the road leading from Georgetown to the eastern branch, and connecting the whole with certain fixed points of the map Mr. Ellicot is preparing. Some idea of the height of the hills above the base on which they stand, would be desirable. For necessary assistance and expenses, be pleased to apply to the Mayor of Georgetown, who is written to on this subject. I will beg the favor of you to mark to me your progress about twice a week, by letter, say every Wednesday and Saturday evening, that I may be able in proper time to draw your attention to some other objects, which I have not at this moment sufficient information to define. I am, with great esteem, Sir, your most obedient humble servant.

TO WILLIAM CARMICHAEL.

PHILADELPHIA, March 12, 1791.

SIR,—I enclose you a statement of the case of Joseph St. Marie, a citizen of the United States of America, whose clerk, Mr. Swimmer, was, in the latter part of the year 1787, seized on the eastern side of the Mississippi, in latitude 34 40′, together with his goods, of the value of nineteen hundred and eighty dollars, by a party of Spanish soldiers. They justified themselves under the order of a Mr. Valliere, their officer, who avowed authority from the Governor of New Orleans, requiring him to seize and confiscate all property *found on either side of the Mississippi be-*

low the mouth of the Ohio. The matter being then carried by St. Marie before the Governor of New Orleans, instead of correcting the injury, he avowed the act and its principle, and pretended orders from his court for this and more. We have so much confidence, however, in the moderation and friendship of the court of Madrid, that we are more ready to ascribe this outrage to officers acting at a distance, than to orders from a just sovereign. We have hitherto considered the delivery of the post of the Natchez, on the part of Spain, as only awaiting the result of those arrangements which have been under amicable discussion between us; but the remaining in possession of a post which is so near our limit of thirty-one degrees, as to admit some color of doubt whether it be on our side or theirs, is one thing; while it is a very different one, to launch two hundred and fifty miles further, and seize the persons and property of our citizens; and that too, in the very moment that a friendly accommodation of all differences, is under discussion. Our respect for their candor and good faith does not permit us to doubt, that proper notice will be taken of the presumption of their officer, who has thus put to hazard the peace of both nations, and we particularly expect that indemnification will be made to the individual injured. On this you are desired to insist in the most friendly terms, but with that earnestness and perseverance which the complexion of this wrong requires. The papers enclosed will explain the reasons of the delay which has intervened. It is but lately they have been put into the hands of our government.

We cannot omit this occasion of urging on the court of Madrid, the necessity of hastening a final acknowledgment of our right to navigate the Mississippi; a right which has been long suspended in exercise, with extreme inconvenience on our part, merely with a desire of reconciling Spain to what it is impossible for us to relinquish. An accident at this day, like that now complained of, would put further parley beyond our power; yet to such accidents we are every day exposed by the irregularities of their officers, and the impatience of our citizens. Should any spark kindle these dispositions of our borderers into a flame, we

are involved beyond recall by the eternal principles of justice to our citizens, which we will never abandon. In such an event, Spain cannot possibly gain, and what may she not lose?

The boldness of this act of the Governor of New Orleans, and of his avowal of it, renders it essential to us to understand the court of Spain on this subject. You will, therefore, avail yourself of the earliest occasion of obtaining their sentiments, and of communicating them to us.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, March 12, 1791.

DEAR SIR,—The enclosed papers will explain to you a case which imminently endangers the peace of the United States with Spain. It is not, indeed, of recent date, but it has been recently laid before government, and is of so bold a feature as to render dangerous to our rights a further acquiescence in their suspension. The middle ground held by France between us and Spain, both in friendship and interest, requires that we should communicate with her with the fullest confidence on this occasion. I therefore enclose you a copy of my letter to Mr. Carmichael, and of the papers it refers to, to be communicated to Monsieur de Montmorin, whose efficacious interference with the court of Madrid you are desired to ask. We rely with great confidence on his friendship, justice and influence.

A cession of the navigation of the Mississippi, with such privileges as to make it useful, and free from future chicane, can be no longer dispensed with on our part; and perhaps while I am writing, something may have already happened to cut off this appeal to friendly accommodation. To what consequences such an event would lead, cannot be calculated. To such, very possibly, as we should lament, without being able to control. Your earnestness with Monsieur de Montmorin, and with the court of

Spain, cannot be more pressing than the present situation and temper of this country requires. The case of St. Marie happens to be the incident presenting itself in the moment, when the general question must otherwise have been brought forward. We rely, on this occasion, on the good offices of the Marquis de La Fayette, whom you are desired to interest in it.

I am, with sincere and great esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL INNES.

PHILADELPHIA, March 13, 1791.

DEAR SIR,— * * * * * * * * *

What is said with you of the most prominent proceedings of the last Congress? The disapprobation of the assumption with you leads us naturally to attend to your reception of laws for carrying it into effect, which have been thought to present themselves in an unfavorable view. What will be thought of measures taken to force Great Britain by a navigation act, to come forward in fair treaty, and let us substantially into her islands, as a price for the advantages of navigation and commerce which she now derives from us? This is interesting to our agriculture, provided the means adopted be sufficiently gradual. I wish you would come forward to the federal legislature and give your assistance on a larger scale than that on which you are acting at present. I am satisfied you could render essential service; and I have such confidence in the purity of your republicanism, that I know your efforts would go in a right direction. Zeal and talents added to the republican scale will do no harm in Congress. It is fortunate that our first executive magistrate is purely and zealously republican. We cannot expect all his successors to be so, and therefore should avail ourselves the present day to establish principles and examples which may fence us against future heresies preached now, to be practised hereafter. I repeat my wish that I could see you come into the federal councils; no man living

joining more confidence in your principles and talents to higher personal esteem than, dear Sir, your most obedient humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, March 15, 1791.

DEAR SIR,—In mine of January the 23d, I acknowledged the receipt of your letters from No. 29 to 48 inclusive, except 31, 44, 45, 46. Since that I have received Nos. 45 and 50; the former in three months and seven days, the latter in two months and seventeen days, by the English packet, which had an uncommonly long passage. Nos. 31, 44, 46, 47, 48, 49, are still missing. They have probably come through merchant vessels and merchants, who will let them lie on their counters two or three months before they will forward them. I wrote you on the 8th and 12th instant, by a private hand, on particular subjects. I am not certain whether this will be in time to go by the same conveyance. In yours of December 23d, you suppose we receive regularly the journals of the National Assembly from your secretary at Paris, but we have never received anything from him. Nothing has been addressed to him, his name being unknown to us.

It gives great satisfaction that the *Arret du Conseil* of December, 1787, stands a chance of being saved. It is, in truth, the sheet-anchor of our connection with France, which will be much loosened when that is lost. This *Arret* saved, a free importation of salted meats into France, and of provisions of all kinds into her colonies, will bind our interests to that country more than to all the world besides. It has been proposed in Congress to pass a navigation act, which will deeply strike at that of Great Britain. I send you a copy of it. It is probable the same proposition will be made at the next Congress, as a first step, and for one more extensive at a later period. It is thought the first will be carried; the latter will be more doubtful. Would it not be worth while to have the bill now enclosed,

translated, printed and circulated among the members of the National Assembly? If you think so, have it done at the public expense, with any little comment you may think necessary, concealing the quarter from whence it is distributed; or take any other method you think better, to see whether that Assembly will not pass a similar act. I shall send copies of it to Mr. Carmichael, at Madrid, and to Colonel Humphreys, appointed resident at Lisbon, with a desire for them to suggest similar acts there. The measure is just, perfectly innocent as to all other nations, and will effectually defeat the navigation act of Great Britain, and reduce her power on the ocean within safer limits.

The time of the late Congress having expired on the 3d instant, they then separated of necessity. Much important matter was necessarily laid over; this navigation act among others. The land law was put off, and nothing farther done with the mint than to direct workmen to be engaged. The new Congress will meet on the 4th Monday in October. Their laws shall be sent you by the first opportunity after they shall be printed. You will receive herewith those of their second session. We know that Massachusetts has agreed to the amendments to the Constitution, except (as is said) the first, second, and twelfth articles. The others, therefore, are now in force. The articles excepted will depend on the other legislatures. The late expedition against the northern Indians having been ineffectual, more serious operations against them will be undertaken as soon as the season admits. The President is just now setting out on a tour to the southern States, from whence he will not return till June. The British packet being the quickest mode of conveyance, I shall avail myself of that, as well as of the French packet, to write to you. Are the letters which now pass through the French post offices opened, as they were under the former government? This is important for me to know.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. I omitted to draw your attention to an additional duty

of one cent per gallon on rum, by name. This was intended as some discrimination between England and France. It would have been higher, but for the fear of affecting the revenues in a contrary direction.

TO WILLIAM SHORT.

PHILADELPHIA, March 19, 1791.

DEAR SIR,—Your letter of November the 6th, No. 46, by Mr. Osmont, came to hand yesterday, and I have just time, before the departure of Mr. Terrasson, the bearer of my letter of the 15th instant, and despatches accompanying it, to acknowledge the receipt, and inform you that it has been laid before the President. On consideration of the circumstances stated in the second page of your letter, he is of opinion, that it is expedient to press at this moment a settlement of our difference with Spain. You are therefore desired, instead of confining your application for the interference of the court of France, to the simple case of St. Marie, mentioned in my letter of the 12th, to ask it on the broad bottom of general necessity, that our right of navigating the Mississippi be at length ceded by the court of Madrid, and be ceded in such form, as to render the exercise of it efficacious and free from chicane. This cannot be without an entrepôt in some convenient port of the river, where the river and sea craft may meet and exchange loads, without any control from the laws of the Spanish government. This subject was so fully developed to you in my letter of August the 10th, 1790, that I shall at present only refer to that. We wish you to communicate this matter fully to the Marquis de La Fayette, to ask his influence and assistance, assuring him that a settlement of this matter is become indispensable to us; any further delay exposing our peace, both at home and abroad, to accidents, the result of which are incalculable, and must no longer be hazarded. His friendly interposition on this occasion, as well as that of his nation, will be most sensibly felt by us. To his discretion, therefore, and yours, we confide this matter, trusting that you will so conduct

it as to obtain our right in an efficacious form, and at the same time to preserve to us the friendship of France and Spain, the latter of which we value much, and the former infinitely.

Mr. Carmichael is instructed to press this matter at Madrid; yet if the Marquis and yourself think it could be better effected at Paris, with the Count de Nunnez, it is left to you to endeavor to try it there. Indeed, we believe it would be more likely to be settled there, than at Madrid or here. Observe always, that to accept the navigation of the river without an entrepôt would be perfectly useless, and that an entrepôt, if tramelled, would be a certain instrument for bringing on war instead of preventing it.

I am, with great esteem, dear Sir, your most obedient humble servant.

TO DR. WISTAR.

PHILADELPHIA, March 20, 1791.

SIR,—I am thankful for the trouble which yourself and Dr. Hutchinson have taken, and are still willing to take, on the subject of Mr. Isaacs' discovery. However his method may turn out, this advantage will certainly result from it, that having drawn the public attention to the subject, it may be made the occasion of disseminating among the masters of vessels a knowledge of the fact, that fresh water may be obtained from salt water by a common distillation, and in abundance. Though Lind's, Irvine's, and McQueer's experiments should suffice to satisfy them of this, yet it may fix their faith more firmly, if we can say to them that we have tried these experiments ourselves, and can vouch for their effect. If Mr. Isaacs can increase that effect, so much the better; it will be a new flower in the American wreath. He is poor, and complains that his delay here is very distressing to him. Therefore, I propose to-morrow for the experiment, and will ask the favor of you to fix any hour that may best suit the convenience of Dr. Hutchinson and yourself, from five in the morning to twelve at night, all being equal to me. Only be good as to notify it in time for me to give notice

to Mr. Isaacs. Will it not save time, if the great still can be set agoing at the same time with the small ones? He protests against any unfavorable conclusions from a small experiment, because never having tried his method in a small way, he does not know how to proportion his mixture. I am, with great esteem, Sir, your most obedient humble servant.

TO HIS EXCELLENCY GOVERNOR MARTIN.

PHILADELPHIA, March 26, 1791.

SIR,—Having in charge to lay before Congress a general statement of all the lands subject to their disposal, it becomes necessary for me, so far as respects the proceedings of North Carolina, to draw on a map the line which forms the Eastern boundary of the cession of that State to Congress, and then to specify all the private claims within the cession, which form exceptions to their general right of granting the ceded territory. Three classes of these exceptions have been stated to me. First, the returns from Armstrong's office. Second, the claims of the officers of the North Carolina line of the lands reserved for them on the Cumberland. Third, a grant of twenty-five thousand acres to General Greene. I find myself under the necessity of troubling your Excellency to enable me to lay down with precision this dividing line, and then a precise specification and location of the three classes of exceptions before mentioned, and also, any other exceptions which you may know of. Besides that these things can be known only from your offices, I am induced to ask you to take the trouble from an assurance that you will be glad to assist in furnishing any information which may prevent the citizens of your State from being involved in litigations by a sale to others of lands to which they may have a just claim, and which would not be so sold, if their claims could be previously known. As I propose to set about this statement immediately, I shall consider it as a great personal obligation, if the measures which your Excellency may be pleased to take for my assistance,

can be immediately executed, and the result communicated to me. I have the honor to be, with great esteem and respect, your Excellency's most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, March 27, 1791.

SIR,—I have been again to see Mr. Barclay on the subject of his mission, and to hasten him. I communicated to him the draught of his instructions, and he made an observation which may render a small change expedient. You know it has been concluded that he should go without any defined character, in order to save expense. He observed that if his character was undefined they would consider him as an Ambassador, and expect proportional liberalities, and he thought it best to fix his character to that of consul, which was the lowest that could be employed. Thinking that there is weight in his opinion, I have the honor to enclose you a blank commission for him as consul, and another letter to the Emperor, no otherwise different from that you signed, but as having a clause of credence in it. If you approve of this change, you will be so good as to sign these papers and return them; otherwise, the letter before signed will still suffice.

I enclose you a Massachusetts paper, whereby you will see that some acts of force have taken place on our eastern boundary. Probably that State will send us authentic information of them. The want of an accurate map of the Bay of Passamaquoddy renders it difficult to form a satisfactory opinion on the point in contest. I write to-day to Rufus Putnam to send me his survey referred to in his letters. There is a report that some acts of force have taken place on the northern boundary of New York, and are now under the consideration of the government of that State. The impossibility of bringing the court of London to an adjustment of any difference whatever, renders our situation perplexing. Should any applications from the States or their citi-

zens be so urgent as to require something to be said before your return, my opinion would be that they should be desired to make no new settlements on our part, nor suffer any to be made on the part of the British, within the disputed territory; and if any attempt should be made to remove them from the settlements already made, that they are to repel force by force, and ask aid of the neighboring militia to do this and no more. I see no other safe way of forcing the British government to come forward themselves and demand an amicable settlement. If this idea meets your approbation, it may prevent a misconstruction by the British, of what may happen, should I have this idea suggested in a proper manner to Colonel Beckwith.

The experiments which have been tried of distilling sea-water with Isaacs' mixture, and also without it, have been rather in favor of the distillation without any mixture.

A bill was yesterday ordered to be brought into the House of Representatives here, for granting a sum of money for building a Federal Hall, house for the President, &c.

You knew of Mr. R. Morris' purchase of Gorham and Phelps of 1,300,000 acres of land of the State of Massachusetts, at *5d.* an acre. It is said that he has sold 1,200,000 acres of these in Europe, through the agency of V. Franklin, who it seems went on this business conjointly with that of printing his grandfather's works. Mr. Morris, under the name of Ogden, and perhaps in partnership with him, has bought the residue of the lands held in the same country by Massachusetts, for £100,000. The Indian title of the former purchase has been extinguished by Gorham, but that of the latter is not. Perhaps it cannot be. In that case a similarity of interest will produce an alliance with the Yazoo companies. Perhaps a sale may be made in Europe to purchasers ignorant of the Indian right.

I shall be happy to hear that no accident has happened to you in the bad roads you have passed, and that you are better prepared for those to come by lowering the hang of your carriage, and exchanging the coachman for two postilions, circumstances which I confess to you appeared to me essential for your safety,

for which no one on earth more sincerely prays, both from public and private regard, than he who has the honor to be, with sentiments of the most profound respect, Sir, your most obedient, and most humble servant.

TO MR. LEWIS.

PHILADELPHIA, March 31, 1791.

The recess of Congress permits me now to resume the subject of my letter of August 12th, and to acknowledge the receipt of your favors of September 14th, November 25th, and January 1st. With respect to British debts and property it was thought possible then that they might come forward and discuss the interests and questions existing between the two nations, and as we know they would assail us on the subject of the treaty, without our previously knowing the particular State or States whose proceedings they would make the ground of complaint, we wished to be in a state of preparation on every point. I am therefore to thank you particularly for having furnished us the justifications of this Commonwealth in your letter of January 1st. With respect to the more general object of my letter, that of making a very complete collection of all the laws in force, or which were ever in force in the several States, we are now as to this State possessed of those from 1776 to 1790. I must still avail myself of your kind undertaking in your letters of September 14th and November 25th, to continue your attention to this acquisition till we can have the whole. Indeed, if you would order any bookseller to procure them according to such list as you should give him, it might greatly lessen your trouble, and he could deliver them himself at my office and receive there his pay. Whenever you shall be so good as to notify me of the cost of those already furnished, it shall be immediately reimbursed. I am sure you are sensible of the necessity of possessing at the seat of the General Government, a complete collection of all the laws of all the States, and hope you will perceive there were no persons so likely to make the collection judiciously as the Attorneys for the

Districts, which must be the apology for the trouble which has been given you on this subject by him who has the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 2, 1791.

I had the honor of addressing you on the 27th ult., since which letters are received of January 24th, from Mr. Carmichael, and of January 3d and 15th, Madrid, and February 6th, and 12th, Lisbon, from Colonel Humphreys. As these are interesting, and may tend to settle suspense of mind to a certain degree, I shall trouble you with quotations from some parts and the substance of others.

Colonel H. says, "I learn from other good authority, as well as from Mr. Carmichael, that all the representations of Gardoqui (when minister in America), tended to excite a belief that the most respectable and influential people throughout the United States did not wish to have the navigation of the Mississippi opened for years to come, from an apprehension such an event would weaken the government, and impoverish the Atlantic States by emigrations. It was even pretended that none but a handful of settlers on the Western waters, and a few inhabitants of the Southern States would acquiesce in the measure." This is the state of mind to which they have reverted since the crisis with England is passed, for during that, the Count de Florida Blanca threw out general assertions that we should have no reason to complain of their conduct with respect to the Mississippi, which gave rise to the report its navigation was opened. The following passages will be astonishing to you who recollect that there was not a syllable in your letters to Mr. G. M., which looked in the most distant manner to Spain. Mr. Carmichael says, "something, however, might have been done in a moment of projects and apprehension, had not a certain negotiation car-

ried on, on our part, at London, transpired, and which I think was known here rather from British policy, than from the vigilance of the Marquis del Campo. Entirely unacquainted with this manœuvre, although in correspondence with the person employed, I was suspected to be in the secret. This suspicion banished confidence, which returns by slow degrees. This circumstance induced me to drop entirely my correspondence with G. M. To continue it would have done harm, and certainly could do no good. I have seen extracts of the President's letter communicated to the Duke of Leeds, perhaps mutilated or forged to serve here the views of the British cabinet. I do not yet despair of obtaining copies of those letters through the same channel that I procured the first account of the demands of G. B. and the signature of the late convention." Colonel Humphrey says, "the minister had intimations from del Campo of the conferences between Mr. Morris and the Duke of Leeds, which occasioned him to say with warmth to Mr. Carmichael, 'now is your time to make a treaty with England.' Fitzherbert availed himself of these conferences to create apprehensions that the Americans would aid his nation in case of war." Your genuine letter could have made no impression. The British court then must have forged one, to suit their purpose, and I think it will not be amiss to send a genuine copy to Carmichael, to place our faith on its just ground. The principal hope of doing anything now, is founded either on an expected removal of the Count de F. B. from the ministry, in which case persons will be employed who are more friendly to America, or to the bursting out of that fire which both gentlemen think but superficially covered. Mr. Carmichael justifies himself by the interception of his letters. He has shown the originals to Colonel H. He concludes his present letter with these words, "relying on the good opinion of me, that you have been pleased to express on many occasions, I intreat you to engage the President to permit me to return to my native country." Colonel Humphreys, on the subjects of his justification and return says, (after speaking of the persons likely to come into power,) "Mr. Carmichael being

on terms of intimacy with the characters here, is certainly capable of effecting more at this court than any other American. He is heartily desirous of accomplishing the object in view at all events, and fully determined to return to America in twelve or eighteen months at farthest. He has expressed that intention repeatedly. To be invested with full powers, perhaps he would be able to do something before his departure from the continent." In his letter of January 15th, he says, "Mr. Carmichael's ideas are just: his exertions will be powerful and unremitting to obtain the accomplishment of our desires before his departure from this country. The task will now be difficult if not impracticable." In that of February 6th, he says, "Mr. Carmichael is much mortified that so many of his despatches have miscarried. By the original documents, which I have seen in his hands, I am convinced he has been extremely assiduous and successful in procuring early and authentic intelligence. It is difficult for a person at a distance to form an adequate judgment of the embarrassments to which a public man, situated as he was, is subjected, in making written communications, from such an inland place, and under such a jealous government. He appears disgusted with the country and the mode of life he is compelled to lead. He desires ardently to return to his native land; but he wishes to distinguish himself first by rendering some essential service to it if possible."

Governor Quesada, by order of his court, is inviting foreigners to go and settle in Florida. This is meant for our people. Debtors take advantage of it, and go off with their property. Our citizens have a right to go where they please. It is the business of the States to take measures to stop them till their debts are paid. This done, I wish a hundred thousand of our inhabitants would accept the invitation. It will be the means of delivering to us peaceably what may otherwise cost us a war. In the meantime, we may complain of this seduction of our inhabitants just enough to make them believe we think it very wise policy for them, and confirm them in it. This is my idea of

it. I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO MAJOR L'ENFANT.

PHILADELPHIA, April 10, 1791.

SIR,—I am favored with your letter of the 4th instant, and in compliance with your request, I have examined my papers, and found the plans of Frankfort-on-the-Mayne, Carlsruhe, Amsterdam, Strasburg, Paris, Orleans, Bordeaux, Lyons, Montpelier, Marseilles, Turin, and Milan, which I send in a roll by the post. They are on large and accurate scales, having been procured by me while in those respective cities myself. As they are connected with the notes I made in my travels, and often necessary to explain them to myself, I will beg your care of them, and to return them when no longer useful to you, leaving you absolutely free to keep them as long as useful. I am happy that the President has left the planning of the town in such good hands, and have no doubt it will be done to general satisfaction. Considering that the grounds to be reserved for the public are to be paid for by the acre, I think very liberal reservations should be made for them; and if this be about the Tyber and on the back of the town, it will be of no injury to the commerce of the place, which will undoubtedly establish itself on the deep waters towards the eastern branch and mouth of Rock Creek; the water about the mouth of the Tyber not being of any depth. Those connected with the government will prefer fixing themselves near the public grounds in the centre, which will also be convenient to be resorted to as walks from the lower and upper town. Having communicated to the President, before he went away, such general ideas on the subject of the town as occurred to me, I make no doubt that, in explaining himself to you on the subject, he has interwoven with his own ideas, such of mine as he approved. For fear of repeating therefore what he did not approve, and having more confidence in the unbiassed state of

his mind, than in my own, I avoided interfering with what he may have expressed to you. Whenever it is proposed to prepare plans for the Capitol, I should prefer the adoption of some one of the models of antiquity, which have had the approbation of thousands of years; and for the President's house, I should prefer the celebrated fronts of modern buildings, which have already received the approbation of all good judges. Such are the Galerie du Louire, the Gardes meubles, and two fronts of the Hotel de Salm. But of this it is yet time enough to consider. In the meantime I am, with great esteem, Sir, your most obedient humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 10, 1791.

I had the honor of addressing you on the 2d instant, which I presume would overtake you at Richmond. The present, I imagine, will not overtake you till you get to Wilmington. Since my last, I have been honored with your two letters of March 31st, and two others of April 4th, one of which was circular. A copy of this, I sent to the Vice-President, and as Colonel Hamilton has asked a consultation on a letter of Mr. Short's, we shall have a meeting with the Vice-President to-morrow. I will then ask their advice also on the communication to Colonel Beckwith, relative to the supplies to the Indians. Finding, within a day or two after my letter to you of March 27th, that Putnam was gone to the westward, I detained my letter to him, and applied to General Knox, from whom I obtained some information on the Eastern boundary. No official information of the affair of Moose Island is received here. Perhaps it is on the road to you. Nor do we hear anything more of the disturbance said to have arisen on the borders of New York. I have asked the favor of my friend Mr. Madison to think on the subject of the consular commission to Mr. Barclay, so far as we have done so and conferred together as yet. We are both of opinion it

may be used; but we shall think and confer further. I presume your only doubt arose on the constitutional powers to "supply vacancies" during the recess of Congress. There was an omission also (which might strike your mind), of the limitation of the commission "till the end of the next session of Congress." As the Constitution limits them, this clause is always useless; however, as it does no harm, it has been usually inserted in the commissions. But in the case of Mr. Barclay, such a clause would require a very awkward explanation to the Emperor of Morocco; and as Mr. Barclay is acquainted with the constitutional determination of his commission, it was thought better to omit the useless expression of it. The acquisition of ground at Georgetown is really noble. Considering that only £25 an acre is to be paid for any grouuds taken for the public, and the streets not to be counted, which will in fact reduce it to about £19 an acre, I think very liberal reserves should be made for the public. Your proclamation came to hand the night of the 5th. Dunlap's and Bache's papers for the morning of the 6th being already filled, I could only get it into Brown's evening paper of the 6th. On the 7th, the bill for the federal buildings passed the Representatives here by 42 to 10, but it was rejected yesterday by 9 to 6 in the Senate, or to speak more exactly, it was postponed till the next session. In the meantime, spirited proceedings at Georgetown will probably, under the continuance of your patronage, prevent the revival of the bill. I received last night from Major L'Enfant a request to furnish him any plans of towns I could, for his examination. I accordingly send him, by this post, plans of Frankfort-on-the-Mayne, Carlsruhe, Amsterdam, Strasburg, Paris, Orleans, Bordeaux, Lyons, Montpelier, Marseilles, Turin, and Milan, on large and accurate scales, which I procured while in those towns respectively. They are none of them, however, comparable to the old Babylon, revived in Philadelphia, and exemplified. While in Europe, I selected about a dozen or two of the handsomest fronts of private buildings, of which I have the plates. Perhaps it might decide the taste of the new town, were these to be engraved here, and dis-

tributed gratis among the inhabitants of Georgetown. The expense would be trifling.

I enclose you extracts from a letter of Mr. Short's of January 24th. One of January 28th has since come to hand, containing nothing but a translation of the letter, said to have been written by the Emperor to the King of France, but which he suspects to be a forgery, a forged bull of the Pope having lately appeared in the same way. He says very serious differences have arisen between the Minister of Prussia, at Liege, and the imperial commanding officer there.

I also enclose the debates of the Pennsylvania assembly on the bill for the federal buildings, and the bill itself; and have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

Extract of a letter from William Short to Thomas Jefferson, Secretary of State, dated Amsterdam, January 24, 1791.

"No loan is yet opened; as far as I can judge it will be found proper to postpone it two or three weeks longer, for reasons mentioned in my former letters, which are of general application, and in this instance particularly for the greater certainty of a success that may enhance the credit of the United States.

"The Reporter of the Committee of Domaines has at length presented the opinion of that committee respecting the Decree on the *Droit d'Aubaine* to the assembly. He had unfortunately connected it with the business of the Successions, so that an adjournment was insisted on in order that the Report might be discussed. It was referred to four different committees. I had put the Marquis de La Fayette fully in possession of this subject, and wrote to him again respecting it, immediately on being informed of the turn it had taken. The Secretary, whom I left in Paris, writes me that they are now trying to get the Diplomatic Committee to ask for a division of this report, and to obtain a decree explanatory merely as to the *Droit d'Aubaine.* In the present ill-humor and jealousy which prevail with respect to

colonies, it is difficult to say what they will do—but we may be sure that M. de Montmorin will use his exertions to effect what we desire. I apprehend delay, however, which no application can prevent, and I always had doubts myself with respect to the success of this business, notwithstanding the opinion of the Reporter and Committee of Domaines. I mentioned formerly on what those doubts were founded.

"Since the Report of the Committee of Impositions, made in the month of December, of which you will have seen an extract in the Journals of the Assembly, and of which I enclosed you a copy in my last, nothing more has been said on tobacco, except by a member of the Committee of Finance. You will have seen that the Committee of Imposition propose to abandon tobacco as an article of revenue. The member of the Committee of Finance, on the contrary, insisted on it; another member of the same committee, however, insisted on his informing the assembly that what he said was his private opinion, and not that of the Committee of Finance. Nobody, as I have frequently repeated, can say with certainty, when the Assembly will take up any subject, nor what they will decide on it. Their sentiments with respect to tobacco, have experienced a manifest alteration since the first report of the Committee of Imposition respecting it. It is probable now that it will be made an article of free commerce, with a duty on entering the kingdom. But should the Farm be continued, still some modification may be expected at present in favor of their commercial connections with the United States. I forgot to mention above, that I had received through Mr. Donald your letter of November 25 respecting this article.

"The Commercial Committee have formed a new tariff, which is now under press, as they write me, to be presented to the assembly. They not only admit American oils in their plan, but put the duties lower than under the *Arrêt du Conseil*. It is yet for the assembly to decide on it. I have already informed you of the stages through which this business has been carried, and the manner in which it has been done. I hope the means will be

approved of; and the United States will have reason to be satisfied with the result. The delay is inevitable from the nature and proceedings of the assembly. That is the cause, also, of the uncertainty and variation in the opinions which I have communicated to you from time to time on these subjects.

" The resistance of a considerable part of the clergy to a decree of the assembly for their civil organization, and particularly for changing the limits of the dioceses, and the violent measures adopted by the assembly respecting this resistance, or rather non-compliance, has been matter of uneasiness for some time. By a decree of the assembly all those of the clergy who, by a given day, had not taken an oath to maintain the civil organization of that body, were to be deprived of their ecclesiastical functions, and their successors immediately appointed agreeably to the new mode of election. That day rigorously has passed, and only two bishops of the assembly have taken the oath. Of the curates of Paris a majority, also, had refused; but among those subscribed were some of the principal, and particularly the curate of St. Eustache, the King's confessor, who, it is said, was converted by the King himself, who takes every possible means of preventing what might occasion disorder, and who, from his uniform conduct, merits better treatment than he sometimes receives. By a construction of the decree some delay is obtained for its execution. In the meantime two of the refusing bishops have entered into negotiation. They desire to find some decent means of retracting their refusal; hitherto they have waited for the consent of the Pope, to obtain which they had sent an express to Rome. His answer has not yet been received, but it is known by private letters that he is disposed to accommodate at present, though he would not hear of it at first. I know not yet what effect this will produce on the people in the provinces. In the capital, their love of the Revolution so far surpasses every other passion, that all the exertions of the *Garde Nationale* have been necessary to prevent their entering the churches and hanging the refusing curates. They will manifest their dispositions less violently, perhaps, in the provinces, but in general the spirit of the Revolution will

certainly predominate, even if the clergy succeed to convince them that it is contrary to the spirit of religion.

"The funds have risen to an uncommon height owing to the considerable reimbursements made by the emission of *assignats*. These do not depreciate as might have been expected. On the whole, if there were any probability of the assembly's confining themselves merely to the business of organizing the government, so as to put an end to their session and call a new legislature, the Revolution might be considered as really in a successful state; but the Report of the Central Committee, which you will have received, prescribes such a superabundance of matter as necessary to be deliberated on and settled by the present assembly, that its end as well as the term of the completion of the constitution can be reduced to no calculation. All that seems to me certain is, that the Revolution will in one way or another end by giving a free government to France. This event might be hastened much by the assembly, if they would. My former letters will have informed you how little I think it is to be hoped from them, and for what reasons.

"The Russians, as has been expected for some time, have taken Ismailow. They stormed it, and put the whole garrison to the sword on the 22d of December. This was probably to strike terror into the Turks, in order to aid the separate negotiation which it is known Prince Potemkin is endeavoring to effect with the Grand Visier. The object is to engage the Porte to accept peace without the mediation of other powers. On the other hand, Prussia is active both in negotiation and military demonstration to counteract this project. Preparations are making for sending a large army into Livonia in the spring, which has induced the Empress to call off some of the heavy troops from those employed against the Turks. England, also, keeps an augmented navy in commission. It seems not doubted that the design is to send a fleet into the Baltic as soon as the season will permit it. It is said, also, that the three mediating powers are negotiating with Denmark, to engage that country to be at least indifferent as to the entrance of this fleet; and that there are

grounds for hopes of success. Some think, also, that there are indications which render it probable that Spain will join in the mediation for obtaining peace for the Turks. I have no reason to suppose it other than that arising from the desire which Spain must naturally have to see peace restored to that power. It is supposed if she joins in the mediation it will be merely for that object, and not from any disposition to favor generally the system of the mediating powers. Where so many and such opposite principles enter into account, it would be temerity to conjecture the particular results, without being behind the curtain; and even there probably the schemes are not yet fully ascertained. Every day must necessarily throw new lights on this complicated state of affairs, in proportion as the state of negotiation is more advanced.

"I think it probable myself, that peace will be effected one way or another in the course of the year. The present favorable situation of the Russian army, the dispersed and disheartened situation of the Ottoman, the succor promised by Prussia, so long deferred, the little hope of immediate relief from the geographical position of that power, the ardent desire of Russia to effect a peace without mediation, and the sacrifices she is disposed to make to effect it; all induce me to believe that it will be brought about in that way. If, however, the Porte, from a well-founded confidence in the active interference of the mediating powers, should decide still to hold out, then it seems that the Empress will be induced to come to terms rather than enter the lists with new and powerful enemies, from whom she would have much to fear, particularly by sea. Still I find several who think, from the character of the Empress, that she will resist, and try the event of a campaign rather than sacrifice so much success and so much glory in having a peace dictated to her. Her resources at home are without end from her mode of calling them into action, and her credit, even here, stands high; certainly much higher than it should do. It is supposed, also, that in this extremity she would be seconded by the Emperor, notwithstanding his pacific turn. He would be authorized by treaty to do

this, and his present situation would enable him; the disturbances in the various parts of his dominions having been all settled. In Brabant, particularly, his authority is more firmly settled than if he had come to it by inheritance only, since he enjoys it also by a kind of conquest.

"It is the system of the English Cabinet which is considered here as the most unaccountable. The commerce of that country is at present in the most prosperous situation, since the balance is in their favor with every part of Europe. They have more to gain by peace and more to apprehend from war, than any other power, and yet they seem determined to risk it. The advantages of their commerce in the Baltic, are certain; those in the Levant, eventual; still they seem determined to sacrifice one, at least for a time, in order to grasp at the other. On the whole, it is regarded as one of those sacrifices of commerce to politics, which France has so often given examples of. Time will show whether Mr. Pitt, or those who condemn him, are in the right."

TO WILLIAM CARMICHAEL.

PHILADELPHIA, April 11, 1791.

SIR,—I wrote you on the 12th of March, and again on the 17th of the same month; since which, I have received your favor of January the 24th, wherein you refer to copies of two letters, also to a paper No. 1, supposed to be enclosed in that letter; but there was nothing enclosed. You speak particularly of several other letters formerly forwarded, but not a single one was ever received of later date than May the 6th, 1789; and this of January 24th, is all we possess from you since that date. I enclose you a list of letters addressed to you on various subjects, and to which answers were and are naturally expected; and send you again copies of the papers in the case of the Dover Cutter, which has been the subject of so many of those letters, and is the subject of the constant solicitation of the parties here. A final decision on that application, therefore, is earnestly de-

sired. When you consider the repeated references of matters to you from hence, and the total suppression of whatever you have written in answer, you will not be surprised if it had excited a great degree of uneasiness. We had inquired whether private conveyances did not occur, from time to time, from Madrid to Cadiz, where we have vessels almost constantly, and we were assured that such conveyances were frequent. On the whole, Sir, you will be sensible, that under the jealous government with which you reside, the conveyance of intelligence requires as much management as the obtaining it; and I am in hopes that in future, you will be on your guard against those infidelities in that line, under which you and we have so much suffered.

The President is absent on a journey through the southern States, from which he will not return till the end of June; consequently, I could not sooner notify him of your desire to return; but even then, I will take the liberty of saying nothing to him on the subject till I hear further from you. The suppression of your correspondence has, in a considerable degree, withdrawn you from the public sight. I sincerely wish that before your return, you could do something to attract their attention and favor, and render your return pleasing to yourself and profitable to them, by introducing you to new proofs of their confidence. My two last letters to you furnish occasions; that of a co-operation against the British navigation act, and the arrangement of our affairs on the Mississippi. The former, if it can be effected, will form a remarkable and memorable epoch in the history and freedom of the ocean. Mr. Short will press it at Paris, and Colonel Humphreys at Lisbon. The latter will show most at first; and as to it, be so good as to observe always, that the right of navigating the Mississippi is considered as so palpable, that the recovery of it will produce no other sensation than that of a gross injustice removed. The extent and freedom of the port for facilitating the use of it, is what will excite the attention and gratification of the public. Colonel Humphreys writes me, that all Mr. Gardoqui's communications, while here, tended to impress the court of Madrid with the idea, that the navigation of the

Mississippi was only demanded on our part to quiet our western settlers, and that it was not sincerely desired by the maritime States. This is a most fatal error, and must be completely eradicated and speedily, or Mr. Gardoqui will prove to have been a bad peacemaker. It is true, there were characters whose stations entitled them to credit, and who, from geographical prejudices, did not themselves wish the navigation of the Mississippi to be restored to us, and who believe, perhaps, as is common with mankind, that their opinion was the general opinion. But the sentiments of the great mass of the Union were decidedly otherwise then, and the very persons to whom Mr. Gardoqui alluded, have now come over to the opinion heartily, that the navigation of the Mississippi, in full and unrestrained freedom, is indispensably necessary, and must be obtained by any means it may call for. It will be most unfortunate, indeed, if we cannot convince Spain that we make this demand in earnest, but by acts which will render that conviction too late to prevent evil.

Not knowing how better to convey to you the laws and the gazettes, than by committing them to the patronage of Colonel Humphreys, I now send through that channel the laws of the second and third sessions of Congress, and the newspapers.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO C. CARROLL OF CARROLLTON.

PHILADELPHIA, April 15, 1791.

DEAR SIR,—I received last night your favor of the 10th, with Mr. Brown's receipt, and thank you for the trouble you have been so kind as to take in this business.

Our news from the westward is disagreeable. Constant murders committing by the Indians, and their combination threatens to be more and more extensive. I hope we shall give them a thorough drubbing this summer, and then change our tomahawk into a golden chain of friendship. The most economical as well

as most humane conduct towards them is to bribe them into peace, and to retain them in peace by eternal bribes. The expedition this year would have served for presents on the most liberal scale for one hundred years; nor shall we otherwise ever get rid of an army, or of our debt. The least rag of Indian depredation will be an excuse to raise troops for those who love to have troops, and for those who think that a public debt is a good thing. Adieu, my dear Sir. Yours affectionately.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 17, 1791.

SIR,—I had the honor of addressing you on the 2d, which I supposed would find you at Richmond, and again on the 10th, which I thought would overtake you at Wilmington. The present will probably find you at Charleston.

According to what I mentioned in my letter of the 10th, the Vice-President, Secretaries of the Treasury and War, and myself, met on the 11th. Colonel Hamilton presented a letter from Mr. Short, in which he mentioned that the month of February being one of the periodical months in Amsterdam, when, from the receipt of interest and refunding of capitals, there is much money coming in there, and free to be disposed of, he had put off the opening his loan till then, that it might fill the more rapidly, a circumstance which would excite the presumption of our credit;—that he had every reason to hope it would be filled before it would be possible for him, after his then communication of the conditions, to receive your approbation of them, and orders to open a second; which, however, should be awaited, according to his instructions; but he pressed the expediting the order, that the stoppage of the current in our favor might be as short as possible. We saw that if, under present circumstances, your orders should be awaited, it would add a month to the delay, and we were satisfied, were you present, you would approve

the conditions, and order a second loan to be opened. We unanimously, therefore, advised an immediate order, on condition the terms of the second loan should not be worse than those of the first.

General Knox expressed an apprehension that the Six Nations might be induced to join our enemies, there being some suspicious circumstances; and he wished to send Colonel Pickering to confirm them in their neutrality. This, he observed, would occasion an expense of about two thousand dollars, as the Indians were never to be met empty handed. We thought the mission advisable. As to myself, I hope we shall give the Indians a thorough drubbing this summer, and I should think it better afterwards to take up the plan of liberal and repeated presents to them. This would be much the cheapest in the end, and would save all the blood which is now spilt: in time, too, it would produce a spirit of peace and friendship between us. The expense of a single expedition would last very long for presents. I mentioned to the gentlemen, the idea of suggesting through Colonel Beckwith our knowledge of the conduct of the British officers in furnishing the Indians with arms and ammunition, and our dissatisfaction. Colonel Hamilton said that Beckwith had been with him on the subject, and had assured him they had given them nothing more than the annual presents, and at the annual period. It was thought proper, however, that he should be made sensible that this had attracted the notice of government. I thought it the more material, lest, having been himself the first to speak of it, he might suppose his excuses satisfactory, and that therefore they might repeat the annual present this year. As Beckwith lodges in the same house with Mr. Madison, I have desired the latter to find some occasion of representing to Beckwith that, though an annual present of arms and ammunition be an innocent thing in time of peace, it is not so in time of war; that it is contrary to the laws of neutrality for a neutral power to furnish military implements to either party at war, and that if their subjects should do it on private account, such furniture might be seized as contraband: to reason with him on the

subject, as from himself, but so as to let him see that government thought as himself did.

You knew, I think, before you left us, that the British Parliament had a bill before them for allowing wheat, imported in *British* bottoms, to be warehoused rent free. In order further to circumscribe the carrying business of the United States, they now refuse to consider as an American bottom any vessel not built here. By this construction, they take from us the right of defining, by our own laws, what vessels shall be deemed ours and naturalized here; and in the event of a war, in which we should be neutral, they put it out of our power to benefit ourselves of our neutrality, by increasing suddenly by purchase and naturalization our means of carriage. If we are permitted to do this by building only, the war will be over before we can be prepared to take advantage of it. This has been decided by the Lords Commissioners of the Treasury, in the case of one Green, a merchant of New York; from whom I have received a regular complaint on the subject. I enclose you the copy of a note from Mr. King to Colonel Hamilton, on the subject of the appointment of a British minister to come here. I suspect it, however, to be without foundation.

Colonel Eveleigh died yesterday. Supposing it possible you might desire to appoint his successor as soon as you could decide on one, I enclose you a blank commission; which, when you shall be pleased to fill it up and sign, can be returned for the seal and counter-signature. I enclose you a letter from Mr. Coxe to yourself, on the subject of this appointment, and so much of one to me as related to the same, having torn off a leaf of compliment to lighten and lessen my enclosures to you. Should distributive justice give preference to a successor of the same state with the deceased, I take the liberty of suggesting to you Mr. Hayward, of South Carolina, whom I think you told me you did not know, and of whom you are now on the spot of inquiry. I enclose you also a continuation of the Pennsylvania debates on the bill for federal buildings. After the postponement by the Senate, it was intended to bring on the reconsideration of that

vote; but the hurry at winding up their session prevented it. They have not chosen a federal Senator.

I have the honor to be, with the most profound respect and sincere attachment, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 24, 1791.

SIR,—I had the honor of addressing you on the 17th. Since which I have received yours of the 13th. I enclose you extracts from letters received from Mr. Short. In one of the 7th of February, Mr. Short informs me that he has received a letter from M. de Montmorin, announcing to him that the King has named Ternant his minister here. The questions on our tobacco and oil have taken unfavorable turns. The former will pay fifty livres the thousand weight less, when carried in French than foreign bottoms. Oil is to pay twelve livres a kental, which amounts to a prohibition of the common oils, the only kind carried there. Tobacco will not feel the effect of these measures till time will be given to bring it to rights. They had only twenty thousand hogsheads in the kingdom in November last, and they consume two thousand hogsheads a month, so that they must immediately come forward and make great purchases, and not having as yet vessels of their own to carry it, they must pay the extra duties on ours. I have been puzzled about the delays required by Mr. Barclay's affairs. He gives me reason to be tolerably assured, that he will go in the first vessel which shall sail after the last day of May. There is no vessel at present whose destination would suit. Believing that even with this, we shall get the business done sooner than through any other channel, I have thought it best not to change the plan. The last Leyden gazettes give us what would have been the first object of the British arms, had the rupture with Spain taken place.

You know that Admiral Cornish had sailed on an unknown destination before the Convention was received in London. Im

mediately on its receipt, they sent an express after him to Madeira, in hopes of finding him there. He was gone, and had so short a passage, that in twenty-three days he had arrived in Barbadoes, the general rendezvous. All the troops of the islands were collecting there, and General Matthews was on his way from Antigua to take command of the land operations, when he met with the packet-boat which carried the counter-orders. Trinidad was the object of the expedition. Matthews returned to Antigua, and Cornish is arrived in England. This island, at the mouth of the Oronoko, is admirably suited for a lodgment from which all the country up that river, and all the northern coast of South America, Spanish, French, Dutch and Portuguese, may be suddenly assailed.

Colonel Pickering is now here, and will set out in two or three days to meet the Indians, as mentioned in my last. The intimation to Colonel Beckwith has been given by Mr. Madison. He met it on very different grounds from that on which he had placed it with Colonel Hamilton. He pretended ignorance and even disbelief of the fact; when told that it was out of doubt, he said he was positively sure the distribution of arms had been without the knowledge and against the orders of Lord Dorchester, and of the government. He endeavored to induce a formal communication from me. When he found that could not be effected, he let Mr. Madison perceive that he thought, however informal his character, he had not been sufficiently noticed; said he was in New York before I came into office, and that though he had not been regularly turned over to me, yet I knew his character. In fine, he promised to write to Lord Dorchester the general information we had received, and our sense of it; and he saw that his former apologies to Colonel Hamilton had not been satisfactory to the government. Nothing further from Moose Island, nor the posts on the northern border of New York, nor anything of the last week from the western country.

Arthur Campbell has been here. He is the enemy of P Henry. He says the Yazoo bargain is like to drop with the consent of the purchasers. He explains it thus: They expected

to pay for the lands in public paper at par, which they had bought at half a crown a pound. Since the rise in the value of the public paper, they have gained as much on that as they would have done by investing it in the Yazoo lands; perhaps more, as it puts a large sum of specie at their command, which they can turn to better account. They are, therefore, likely to acquiesce under the determination of the government of Georgia to consider the contract as forfeited by non-payment.

I direct this letter to be forwarded from Charleston to Cambden. The next will be from Petersburg to Taylor's Ferry; and after that, I shall direct to you at Mount Vernon.

I have the honor to be, with sentiments of the most affectionate respect and attachment, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, April 25, 1791.

DEAR SIR,—My late letters to you have been of the 8th, 12th, 15th, and 19th of March, yours received and acknowledged are as follows.

* * * * * * *

I consider the consular convention as securing clearly our right to appoint consuls in the French colonies. The words "Etats du roi," unquestionably extend to all his dominions. If they had been merely synonymous with "la France," why was the alteration made? When I proposed that alteration, I explained my reasons, and it cannot be supposed I would suffer a change of language but for some matter of substance. Again, in the translation, it is "dominions of France." This translation was submitted to M. de Montmorin and M. de Reyneval, with a request that they would note any deviation in it from the original, or otherwise it would be considered as faithful. No part was objected to. M. de Reyneval says, we must decide by the instrument itself, and not by the explanations which took place. It is a rule, where expressions are susceptible of two

meanings, to recur tó other explanations. Good faith is in favor of this recurrence. However, in the present case, the expression does not admit of two constructions; it is co-extensive with the dominions of the King. I insist on this, only as a reservation of our right, and not with a view to exercise it, if it shall be inconvenient and disagreeable to the government of France. Only two appointments have as yet been made (Mr. Skipwith at Martinique and Guadaloupe, and Mr. Bourne in St. Dominique), and they shall be instructed not to ask a regular Exequatur. We certainly wish to press nothing on our friends which shall be inconvenient. I shall hope that M. de Montmorin will order such attentions to be shown to those gentlemen as the patronage of commerce may call for, and may not be inconvenient to the government. These gentlemen are most pointedly instructed not to intermeddle, by word or deed, with political matters.

My letter of August, 1790, to Mr. Carmichael, was delivered to him by Colonel Humphreys.

The report you mention of the prospect of our captives at Algiers being liberated, has not taken its rise from any authoritative source. Unfortunately, for us, there have been so many persons, who (from friendly or charitable motives, or to recommend themselves) have busied themselves about this redemption, as to excite great expectations in the captors, and render our countrymen in fact irredeemable. We have not a single operation on foot for that purpose, but what you know of, and the more all voluntary interpositions are discouraged the better for our unhappy friends whom they are meant to serve.

You know how strongly we desire to pay off our whole debt to France, and that for this purpose we will use our credit as far as it will hold good. You know, also, what may be the probability of our being able to borrow the whole sum. Under these dispositions and prospects, it would grieve us extremely to see our debt pass into the hands of speculators, and be subjected ourselves to the chicaneries and vexations of private avarice. We desire you, therefore, to dissuade the government, as far as you can prudently, from listening to any overtures of that kind, and

as to the speculators themselves, whether native or foreign, to inform them, without reserve, that our government condemns their projects, and reserves to itself the right of paying no where but into the treasury of France, according to their contract.

I enclose you a copy of Mr. Grand's note to me, stating the conditions on which Drost would come, and also a letter from the Secretary of the Treasury, expressing his ideas as to those terms, with which I agree. We leave to your agency the engaging and sending Mr. Drost as soon as possible, and to your discretion to fix the terms, rendering the allowance for expenses certain, which his first proposition leaves uncertain. Subsistence here costs about one-third of what it does in Paris, to a housekeeper. In a lodging house, the highest price for a room and board is a dollar a day, for the master, and half that for the servant. These facts may enable you to settle the article of expenses reasonably. If Mr. Drost undertakes assaying, I should much rather confide it to him, than to any other person who can be sent. It is the most confidential operation in the whole business of coining. We should expect him to instruct a native in it. I think, too, he should be obliged to continue longer than a year, if it should be necessary for qualifying others to continue his operations. It is not important that he be here till November or December, but extremely desirable then. He may come as much sooner as he pleases.

We address to M. la Motte a small box for you, containing a complete set of the journals of the ancient Congress, the acts of the last session of the federal legislature, and a continuation of the newspapers. I am, with great and sincere esteem, dear Sir, your affectionate friend and humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 1, 1791.

SIR,—I had the honor of addressing you on the 24th ult., which I presume you will have received at Camden. The pre-

sent is ordered to go from Petersburg to Taylor's ferry. I think it better my letters should be even some days ahead of you, knowing that if they ever get into your rear they will never overtake you. I write to-day, indeed, merely as the watchman cries, to prove himself awake, and that all is well, for the last week has scarcely furnished anything foreign or domestic, worthy your notice. Truxton is arrived from the East Indies, and confirms the check by Tippoo Saib, on the detachment of Colonel Floyd, which consisted of between three and four thousand men. The latter lost most of his baggage and artillery, and retreated under the pursuit of the enemy. The loss of men is pretended by their own papers to have been two or three hundred only. But the loss and character of the officers killed, makes me suspect that the situation has been such as to force the best officers to expose themselves the most, and consequently that more men must have fallen. The main body with General Meadows at their head are pretended to be going on boldly. Yet, Lord Cornwallis is going to take the field in person. This shows that affairs are in such a situation as to give anxiety. Upon the whole, the account received through Paris papers proves true, notwithstanding the minister had declared to the House of Commons, in his place, that the public accounts were without foundation, and that nothing amiss had happened.

Our loan in Amsterdam for two and a half million of florins filled in two hours and a half after it was opened.

The Vice-President leaves us to-morrow. We are told that Mr. Morris gets £70,000 sterling for the lands he has sold.

A Mr. Noble has been here, from the country where they are busied with the sugar-maple tree. He thinks Mr. Cooper will bring three thousand pounds worth to market this season, and gives the most flattering calculations of what may be done in that way. He informs me of another most satisfactory fact, that less profit is made by converting the juice into spirit than into sugar. He gave me specimens of the spirit, which is exactly whiskey.

I have arrived at Baltimore from Marseilles forty olive trees of

the best kind from Marseilles, and a box of seed, the latter to raise stocks, and the former, cuttings to engraft on the stocks. I I am ordering them on instantly to Charleston, where, if they arrive in the course of this month, they will be in time. Another cargo is on its way from Bordeaux, so that I hope to secure the commencement of this culture, and from the best species. Sugar and oil will be no mean addition to the articles of our culture. I have the honor to be, with the greatest respect and esteem, Sir, your most obedient, and most humble servant.

TO THE ATTORNEY OF THE DISTRICT OF KENTUCKY.

PHILADELPHIA, May 7, 1791.

SIR,—A certain James O'Fallon is, as we are informed, undertaking to raise, organize and commission an army, of his own authority, and independent of that of the government, the object of which is, to go and possess themselves of lands which have never yet been granted by any authority, which the government admits to be legal, and with an avowed design to hold them by force against any power, foreign or domestic. As this will inevitably commit our whole nation in war with the Indian nations, and perhaps others, it cannot be permitted that all the inhabitants of the United States shall be involved in the calamities of war, and the blood of thousands of them be poured out, merely that a few adventurers may possess themselves of lands; nor can a well ordered government tolerate such an assumption of its sovereignty by unauthorized individuals. I send you herein the Attorney General's opinion of what may legally be done, with a desire that you proceed against the said O'Fallon according to law. It is not the wish, to extend the prosecution to other individuals, who may have given thoughtlessly into his unlawful proceeding. I enclose you a proclamation to this effect. But they may be assured, that if this undertaking be prosecuted, the whole force of the United States will be displayed to punish the transgression.

I enclose you one of O'Fallon's commissions, signed, as is said, by himself.

I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 8, 1791.

SIR,—The last week does not furnish one single public event worthy communicating to you; so that I have only to say "all is well." Paine's answer to Burke's pamphlet begins to produce some squibs in our public papers. In Fenno's paper they are Burkites, in the others, Painites. One of Fenno's was evidently from the author of the discourses on Davila. I am afraid the indiscretion of a printer has committed me with my friend, Mr. Adams, for whom, as one of the most honest and disinterested men alive, I have a cordial esteem, increased by long habits of concurrence in opinion in the days of his republicanism; and even since his apostacy to hereditary monarchy and nobility, though we differ, we differ as friends should do. Beckley had the only copy of Paine's pamphlet, and lent it to me, desiring when I should have read it, that I would send it to a Mr. J. B. Smith, who had asked it for his brother to reprint it. Being an utter stranger to J. B. Smith, both by sight and character, I wrote a note to explain to him why I (a stranger to him) sent him a pamphlet, to wit, that Mr. Beckley had desired it; and to take off a little of the dryness of the note, I added that I was glad to find it was to be reprinted, that something would, at length, be publicly said against the political heresies which had lately sprung up among us, and that I did not doubt our citizens would rally again round the standard of common sense. That I had in my view the discourses on Davila, which have filled Fenno's papers, for a twelvemonth, without contradiction, is certain, but nothing was ever further from my thoughts than to become myself the contradictor before the public. To my great astonish-

ment, however, when the pamphlet came out, the printer had prefixed my note to it, without having given me the most distant hint of it. Mr. Adams will unquestionably take to himself the charge of political heresy, as conscious of his own views of drawing the present government to the form of the English constitution, and, I fear, will consider me as meaning to injure him in the public eye. I learn that some Anglo-men have censured it in another point of view, as a sanction of Paine's principles tends to give offence to the British government. Their real fear, however, is that this popular and republican pamphlet, taking wonderfully, is likely at a single stroke, to wipe out all the unconstitutional doctrines which their bell-weather Davila has been preaching for a twelvemonth. I certainly never made a secret of my being anti-monarchical, and anti-aristocratical; but I am sincerely mortified to be thus brought forward on the public stage, where to remain, to advance or to retire, will be equally against my love of silence and quiet, and my abhorrence of dispute. I do not know whether you recollect that the records of Virginia were destroyed by the British in the year 1781. Particularly the transactions of the revolution before that time. I am collecting here all the letters I wrote to Congress while I was in the administration there, and this being done, I shall then extend my views to my predecessors, in order to replace the whole in the public offices in Virginia. I think that during my administration, say between June 1, 1779, and June 1, 1781, I had the honor of writing frequent letters to you on public affairs, which perhaps, may be among your papers at Mount Vernon. Would it be consistent with any general resolution you have formed as to your papers, to let my letters of the above period come here to be copied, in order to make them a part of the records I am endeavoring to restore for the State? or would their selection be too troublesome? if not, I would beg the loan of them, under an assurance that they shall be taken the utmost care of, and safely returned to their present deposit.

The quiet and regular movement of our political affairs leaves nothing to add but constant prayers for your health and welfare,

and assurances of the sincere respect and attachment of, Sir, your most obedient, and most humble servant.

TO THE HONORABLE JEREMIAH WADSWORTH.

PHILADELPHIA, May 11, 1791.

SIR,—I have duly received your favor of April 20. The exemption from the Droit d'Aubaine in the French West Indies, has been for some time past a subject of attention. As the National Assembly were abolishing it in *France* for all nations, I desired our Chargé des Affaires there to see that the decree should be extended to all the *dominions* of France. His letters assure me that it will be done, so as to remove this grievance hereafter. With respect to the past, I believe it has been judiciously determined in France that the exemption given by our treaty did not extend to their foreign possessions. Should Mr. Johnston, however, be disposed to try this matter, it will be requisite for him to obtain from Port-au-Prince an authenticated record of the proceedings in his case. It would seem, also, that those in the case of the gentleman of Curraçoa, might be useful. These should be transmitted to some person in Paris to solicit the government for him. Though it is not permitted that our Chargé des Affaires there, or anywhere, should act as the private agent or solicitor for any individual, yet he will lend his aid and influence wherever it may be just and useful, by official applications. I have the honor to be, with great esteem, Sir. your most obedient, and most humble servant.

TO MR. DUMAS.

PHILADELPHIA, May 13, 1791.

SIR,—You will readily conceive that the union of domestic with the foreign affairs under the department of State, brings on the head of this department such incessant calls, not admitting delay, as

oblige him to postpone whatever will bear postponing; hence, though it is important that I should continue to receive, from time to time, regular information from you of whatever occurs within your notice, interesting to the United States, yet it is not in my power to acknowledge the receipt of your letters regularly as they come. I mention this circumstance that you may ascribe the delay of acknowledgment to the real cause, and that it may not produce any relaxation on your part in making all those communications which it is important should be received, and which govern our proceedings, though it is not in my power to note it to you specially.

In general, our affairs are proceeding in a train of unparalleled prosperity. This arises from the real improvements of our government, from the unbounded confidence reposed in it by the people, their zeal to support it, and their conviction that a solid Union is the best rock of their safety, from the favorable seasons which for some years past have co-operated with a fertile soil and a genial climate to increase the productions of agriculture, and from the growth of industry, economy and domestic manufactures; so that I believe I may say with truth, that there is not a nation under the sun enjoying more present prosperity, nor with more in prospect. The Indians on our frontier, indeed, still continue to cut off straggling individuals or families falling in their way. An expedition against them the last summer was less successful than there was reason to expect. We lost in it about one hundred men. The operations of the present summer will more probably bring them to peace, which is all we desire of them, it having been a leading object of our present Government to guaranty them in their present possessions, and to protect their persons with the same fidelity which is extended to its own citizens. We ask nothing of them but that they will accept our peace, friendship and services; and we hope soon to make them sensible of this, in spite of the incitements against us, which they have been so much the dupes of. This is the general state of our affairs at present, as faithfully as I am able to give it.

I am to acknowledge the receipt of your favors of April 2,

May 8, 17, 26; July 10, 14; September 7, 30; October 19, November 23, December 6 and 11. I now receive the Leyden Gazette with great regularity by the British Packet, and thank you for your attention to this, with a request that it may be continued.

There is no doubt it would be desirable for us to receive our intelligence from Europe through a channel of our own; but the expense of an establishment of Packet-boats would be beyond the value of the object for us, considering that our connection with Europe is less political than commercial, and that information of the latter kind may come safely through any channel. In fact, if we attend to the whole amount of our civil list, we shall find that the expense of Packet-boats would make a very sensible addition to it. The idea, therefore, though good, must be suspended yet awhile.

Accept my thanks on the part of the Government for the copy of Rymer you have been so good as to send us, and which is duly received, and be assured of the sincere esteem and attachment with which I have the honor to be, Sir, your most obedient, and most humble servant.

THOMAS BARCLAY.

PHILADELPHIA, May 13, 1791.

SIR,—You are appointed by the President of the United States, to go to the court of Morocco, for the purpose of obtaining from the new Emperor, a recognition of our treaty with his father. As it is thought best that you should go in some definite character, that of consul has been adopted, and you consequently receive a commission as consul for the United States, in the dominions of the Emperor of Morocco, which, having been issued during the recess of the Senate, will, of course, expire at the end of their next session. It has been thought best, however, not to insert this limitation in the commission, as being unnecessary; and it might, perhaps, embarrass. Before the end of the next

session of the Senate, it is expected the objects of your mission will be accomplished.

Lisbon being the most convenient port of correspondence between us and Morocco, sufficient authority will be given to Colonel Humphreys, resident of the United States at that place, over funds in Amsterdam, for the objects of your mission. On him, therefore, you will draw for the sums herein allowed, or such parts of them as shall be necessary. To that port, too, you had better proceed in the first vessel which shall be going there, as it is expected you will get a ready passage from thence to Morocco.

On your arrival at Morocco, sound your ground, and know how things stand at present. Your former voyage there, having put you in possession of the characters through whom this may be done, who may best be used for approaching the Emperor and effecting your purpose, you are left to use your own knowledge to the best advantage.

The object being merely to obtain an acknowledgment of the treaty, we rely that you will be able to do this, giving very moderate presents. As the amount of these will be drawn into precedent, on future similar repetitions of them, it becomes important. Our distance, our seclusion from the ancient world, its politics and usages, our agricultural occupations and habits, our poverty, and lastly, our determination to prefer war in all cases, to tribute under any form, and to any people whatever, will furnish you with topics for opposing and refusing high or dishonoring pretensions; to which may be added, the advantages their people will derive from our commerce, and their sovereign, from the duties laid on whatever we extract from that country.

Keep us regularly informed of your proceedings and progress, by writing by every possible occasion, detailing to us particularly your conferences, either private or public, and the persons with whom they are held.

We think that Francisco Chiappe has merited well of the United States, by his care of their peace and interests. He has sent an account of disbursements for us, amounting to three hundred and ninety-four dollars. Do not recognize the account, be-

cause we are unwilling, by doing that, to give him a color for presenting larger ones hereafter, for expenses which it is impossible for us to scrutinize or control. Let him understand, that our laws oppose the application of public money so informally; but in your presents, treat *him* handsomely, so as not only to cover this demand, but go beyond it with a liberality which may fix him deeply in our interests. The place he holds near the Emperor, renders his friendship peculiarly important. Let us have nothing further to do with his brothers, or any other person. The money which would make one good friend, divided among several, will produce no attachment.

The emperor has intimated that he expects an ambassador from us. Let him understand, that this may be a custom of the old world, but it is not ours; that we never sent an ambassador to any nation.

You are to be allowed, from the day of your departure till your return, one hundred and sixty-six dollars and sixty-six cents and two-thirds, a month, for your time and expenses, adding thereto your passage money and sea stores going and coming.

Remain in your post till the 1st of April next, and as much longer as shall be necessary to accomplish the objects of your mission, unless you should receive instructions from hence to the contrary.

With your commission, you will receive a letter to the Emperor of Morocco, a cypher, and a letter to Colonel Humphreys.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

A private instruction which Mr. Barclay is to carry in his memory, and not on paper, lest it should come into improper hands.

We rely that you will obtain the friendship of the new Emperor, and his assurances that the treaty shall be faithfully observed, with as little expense as possible. But the sum of ten thousand dollars is fixed as the limit which all your donations together are not to exceed.

May 13, 1791.

[*Letter from the President to the Emperor of Morocco, referred to in the letter to Mr. Barclay.*]

GREAT AND MAGNANIMOUS FRIEND,—Separated by an immense ocean from the more ancient nations of the earth, and little connected with their politics or proceedings, we are late in learning the events which take place among them, and later in conveying to them our sentiments thereon.

The death of the late Emperor, your father and our friend, of glorious memory, is one of those events which, though distant, attracts our notice and concern. Receive, great and good friend, my sincere sympathy with you on that loss; and permit me, at the same time, to express the satisfaction with which I learn the accession of so worthy a successor to the imperial throne of Morocco, and to offer you the homage of my sincere congratulations. May the days of your Majesty's life be many and glorious, and may they ever mark the era during which a great people shall have been most prosperous and happy, under the best and happiest of sovereigns!

The late Emperor, very soon after the establishment of our infant nation, manifested his royal regard and amity to us by many friendly and generous acts, and, particularly, by the protection of our citizens in their commerce with his subjects. And as a further instance of his desire to promote our prosperity and intercourse with his realms, he entered into a treaty of amity and commerce with us, for himself and his successors, to continue fifty years. The justice and magnanimity of your Majesty, leave us full confidence that the treaty will meet your royal patronage also; and it will give me great satisfaction to be assured, that the citizens of the United States of America may expect from your imperial Majesty, the same protection and kindness, which the example of your illustrious father has taught them to expect from those who occupy the throne of Morocco, and to have your royal word, that they may count on a due observance of the treaty which cements the two nations in friendship.

This will be delivered to your Majesty, by our faithful citizen, Thomas Barclay, whom I name consul for these United States in the dominions of your Majesty, and who, to the integrity and knowledge qualifying him for that office, unites the peculiar advantage of having been the agent, through whom our treaty with the late Emperor was received. I pray your Majesty to protect him in the exercise of his functions for the patronage of the commerce between our two countries, and of those who carry it on.

May that God, whom we both adore, bless your imperial Majesty with long life, health and success, and have you always, great and magnanimous friend, under his holy keeping.

Written at Philadelphia, the thirty-first day of March, in the fifteenth year of our sovereignty and independence, from your good and faithful friend.

TO ———.*

BENNINGTON, in Vermont, June 6, 1791.

DEAR SIR,—Mr. Madison and myself are so far on the tour we had projected. We have visited, in the course of it, the principal scenes of General Burgoyne's misfortunes, to wit, the grounds at Stillwater, where the action of that name was fought, and particularly the breastworks, which cost so much blood to both parties, the encampments at Saratoga and ground where the British piled their arms, and the field of the battle of Bennington, about nine miles from this place. We have also visited Forts William, Henry and George, Ticonderoga, Crown Point, &c., which have been scenes of blood from a very early part of our history. We were more pleased, however, with the botanical objects which continually presented themselves. Those either unknown or rare in Virginia, were the sugar maple in vast abundance. The silver fir, white pine, pitch pine, spruce pine, a shrub with decumbent stems, which they call juniper, an aralea, very different from the nudiflora, with very large clusters of

* No address.

flowers, more thickly set on the branches, of a deeper red, and high pink-fragrance. It is the richest shrub I have seen. The honey-suckle of the gardens growing wild on the banks of Lake George, the paper-birch, an aspen with a velvet leaf, a shrub-willow with downy catkins, a wild gooseberry, the wild cherry with single fruit, (not the bunch cherry,) strawberries in abundance. From the highlands to the lakes it is a limestone country. It is in vast quantities on the eastern sides of the lakes, but none on the western sides. The Sandy Hill Falls and Wing's Falls, two very remarkable cataracts of the Hudson, of about thirty-five feet or forty feet each, between Fort Edward and Fort George, are of limestone, in horizontal strata. Those of the Cohoes, on the west side of the Hudson, and of seventy feet height, we thought not of limestone. We have met with a small red squirrel, of the color of our fox-squirrel, with a black stripe on each side, weighing about six ounces generally, and in such abundance on Lake Champlain particularly, as that twenty odd were killed at the house we lodged in, opposite Crown Point, the morning we arrived there, without going ten yards from the door. We killed three crossing the lakes, one of them just as he was getting ashore, where it was three miles wide, and where, with the high wind then blowing, he must have made it five or six miles.

I think I asked the favor of you to send for Anthony in the season for inoculation, as well as to do what is necessary in the orchard, as to pursue the object of inoculating all the spontaneous cherry trees in the fields with good fruit.

We have now got over about four hundred miles of our tour, and have still about four hundred and fifty more to go over. Arriving here on the Saturday evening, and the laws of the State not permitting us to travel on the Sunday, has given me time to write to you from hence. I expect to be at Philadelphia by the 20th or 21st. I am, with great and sincere esteem, dear Sir, yours affectionately.

TO COLONEL MONROE.

PHILADELPHIA, July 10, 1791.

DEAR SIR,—Your favor of June 17, has been duly received. I am endeavoring to get for you the lodgings Langdon had. But the landlord is doubtful whether he will let them at all. If he will not, I will endeavor to do the best I can. I can accommodate you myself with a stable and coach-house, without any expense, as I happen to have two on hand; and indeed, in my new one, I have had stalls enough prepared for six horses, which are two more than I keep. Of my success in procuring rooms, I shall bring you news myself, though as yet the time of my visit to Albemarle is unfixed. Mr. Madison will both go and come with me. He is at present at New York. His journey with me to the lakes placed him in better health than I have seen him; but the late heats have brought on some bilious dispositions.

The papers which I send Mr. Randolph weekly, and which I presume you see, will have shown you what a dust Paine's pamphlet has kicked up here. My last to Mr. Randolph will have given an explanation as to myself, which I had not time to give when I sent you the pamphlet. A writer, under the name of Publicola, in attacking all Paine's principles, is very desirous of involving me in the same censure with the author. I certainly merit the same, for I profess the same principles; but it is equally certain I never meant to have entered as a volunteer into the cause. My occupations do not permit it. Some persons here are insinuating that I am Brutus, that I am Agricola, that I am Philodemus, &c., &c. I am none of them, being decided not to write a word on the subject, unless any printed imputation should call for a printed disavowal, to which I should put my name. A Boston paper has declared that Mr. Adams "has no more concern in the publication of the writings of Publicola, than the author of the Rights of Man himself." If the equivoque here were not intended, the disavowal is not entirely credited, because not from Mr. Adams himself, and because the style and

sentiments raise so strong a presumption. Besides, to produce any effect he must disavow Davila and the Defence of the American Constitutions. A host of writers have risen in favor of Paine, and prove that in this quarter, at least, the spirit of republicanism is sound. The contrary spirit of the high officers of government is more understood than I expected. Colonel Hamilton avowing that he never made a secret of his principles, yet taxes the imprudence of Mr. Adams in having stirred the question, and agrees that "his business is done." Jay, covering the same principles under the veil of silence, is rising steadily on the ruins of his friends. The bank filled and overflowed in the moment it was opened. Instead of twenty thousand shares, twenty-four thousand were offered, and a great many unpresented, who had not suspected that so much haste was necessary. Thus it is that we shall be paying thirteen per cent. per annum for eight millions of paper money, instead of having that circulation of gold and silver for nothing. Experience has proved to us that a dollar of silver disappears for every dollar of paper emitted; and, for the paper emitted from the bank, seven per cent. profits will be received by the subscribers for it as bank paper, (according to the last division of profits by the Philadelphia bank,) and six per cent. on the public paper of which it is the representative. Nor is there any reason to believe, that either the six millions of paper, or the two millions of specie deposited, will not be suffered to be withdrawn, and the paper thrown into circulation. The cash deposited by strangers for safe keeping will probably suffice for cash demands. Very few subscribers have offered from Virginia or North Carolina, which gives uneasiness to H It is impossible to say where the appetite for gambling will stop. The land office, the federal town, certain schemes of manufacture, are all likely to be converted into aliment for that rage; but this subject is too copious for a letter, and must be reserved for conversation. The respite from occupation which my journey procured, has entirely removed my headaches. Kiss and bless Mrs. Monroe and Eliza, for, dear Sir, yours affectionately.

TO COLONEL HUMPHREYS.

PHILADELPHIA, July 13, 1791.

SIR,—Mr. Barclay having been detained longer than was expected, you will receive this as well as my letter of May the 13th from him. Since the date of that, I have received your No. 15, March the 31st, No. 16, April the 8th, No 17, April the 30th, No. 18, May the 3d, and No. 20, May the 21st.

You are not unacquainted with the situation of our captives at Algiers. Measures were taken, and were long depending, for their redemption. During the time of their dependence, we thought it would forward our success to take no notice of the captives. They were maintained by the Spanish consul, from whom applications for reimbursement, through Mr. Carmichael, often came: no answer of any kind was ever given. A certainty now that our measures for their redemption will not succeed, renders it unnecessary for us to be so reserved on the subject, and to continue to wear the appearance of neglecting them. Though the government might have agreed to ransom at the lowest price admitted with any nation (as, for instance, that of the French order of Merci), they will not give anything like the price which has been lately declared to be the lowest by the captors. It remains, then, for us to see what other means are practicable for their recovery. In the meantime, it is our desire that the disbursements hitherto made for their subsistence, by the Spanish consul or others, be paid off, and that their future comfortable subsistence be provided for. As to past disbursements, I must beg the favor of you to write to Mr. Carmichael, that you are authorized to pay them off, pray him to let you know their amount, and to whom payments are due. With respect to future provision for the captives, I must put it into your hands. The impossibility of getting letters to or from Mr. Carmichael, renders it improper for us to use that channel. As to the footing on which they are to be subsisted, the ration and clothing of a soldier would have been a good measure, were it possible to apply it to articles of food and clothing so extremely

different as those used at Algiers. The allowance heretofore made them by the Spanish consul might perhaps furnish a better rule, as we have it from themselves, that they were then comfortably subsisted. Should you be led to correspond with them at all, it had better be with Captain O'Bryan, who is a sensible man, and whose conduct since he has been there, has been particularly meritorious. It will be better for you to avoid saying anything which may either increase or lessen their hopes of ransom. I write to our bankers, to answer your drafts for these purposes, and enclose you a duplicate to be forwarded with your first draft. The prisoners are fourteen in number; their names and qualities as follows: Richard O'Bryan and Isaac Stephens, captains; Andrew Montgomery and Alexander Forsyth, mates; Jacob Tessanier, a French passenger; William Patterson, Philip Sloan, Peleg Lorin, John Robertson, James Hall, James Cathcart, George Smith, John Gregory, James Hermel, seamen. They have been twenty-one or twenty-two.

We are in hourly expectation of hearing the event of General Scott's irruption into the Indian country, at the head of between seven and eight hundred mounted infantry. Perhaps it may yet be known in time to communicate to you by this opportunity. Our bank was filled with subscriptions the moment it was opened. Eight millions of dollars were the whole permitted to be subscribed, of which two millions were deposited in cash, the residue to be public paper. Every other symptom is equally favorable to our credit.

The President has returned from his southern tour in good health. You will receive herewith the newspapers up to the present date. I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO JOHN ADAMS.

PHILADELPHIA, July 17, 1791.

DEAR SIR,—I have a dozen times taken up my pen to write to you, and as often laid it down again, suspended between oppos-

ing considerations. I determine, however, to write from a conviction that truth, between candid minds, can never do harm. The first of Paine's pamphlets on the rights of man, which came to hand here, belonged to Mr. Beckley. He lent it to Mr. Madison, who lent it to me; and while I was reading it, Mr. Beckley called on me for it, and, as I had not finished it, he desired me, as soon as I should have done so, to send it to Mr. Jonathan B. Smith, whose brother meant to reprint it. I finished reading it, and, as I had no acquaintance with Mr. Jonathan B. Smith, propriety required that I should explain to him why I, a stranger to him, sent him the pamphlet. I accordingly wrote a note of compliment, informing him that I did it at the desire of Mr. Beckley, and, to take off a little of the dryness of the note, I added that I was glad it was to be reprinted here, and that something was to be publicly said against the political heresies which had sprung up among us, &c. I thought so little of this note, that I did not even keep a copy of it; nor ever heard a tittle more of it, till, the week following, I was thunderstruck with seeing it come out at the head of the pamphlet. I hoped, however, it would not attract notice. But I found, on my return from a journey of a month, that a writer came forward, under the signature of Publicola, attacking not only the author and principles of the pamphlet, but myself as its sponsor, by name. Soon after came hosts of other writers, defending the pamphlet, and attacking you, by name, as the writer of Publicola. Thus were our names thrown on the public stage as public antagonists. That you and I differ in our ideas of the best form of government, is well known to us both; but we have differed as friends should do, respecting the purity of each other's motives, and confining our difference of opinion to private conversation. And I can declare with truth, in the presence of the Almighty, that nothing was further from my intention or expectation than to have either my own or your name brought before the public on this occasion. The friendship and confidence which has so long existed between us, required this explanation from me, and I know you too well to fear any misconstruction of the motives of it. Some

people here, who would wish me to be, or to be thought, guilty of improprieties, have suggested that I was Agricola, that I was Brutus, &c., &c. I never did in my life, either by myself or by any other, have a sentence of mine inserted in a newspaper without putting my name to it; and I believe I never shall.

While the Empress is refusing peace under a mediation, unless Ocrakow and its territory be ceded to her, she is offering peace on the perfect statu quo to the Porte, if they will conclude it without a mediation. France has struck a severe blow at our navigation, by a difference of duty on tobacco carried in our and their ships, and by taking from foreign-built ships the capability of naturalization. She has placed our whale oil on rather a better footing than ever, by consolidating the duties into a single one of six livres. They amounted before to some sous over that sum. I am told (I know not how truly), that England has prohibited our spermaceti oil altogether, and will prohibit our wheat till the price there is fifty-two shillings the quarter, which it almost never is. We expect hourly to hear the true event of General Scott's expedition. Reports give favorable hopes of it. Be so good as to present my respectful compliments to Mrs. Adams, and to accept assurances of the sentiments of sincere esteem and respect with which I am, dear Sir, your friend and servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, July 26, 1791.

DEAR SIR,—Your favors of February the 26th, and March the 16th, have been duly received. The conferences which you held last with the British minister needed no apology. At the time of writing my letter desiring that communications with them might cease, it was supposed possible that some might take place before it would be received. They proved to be such as not to vary the opinion formed, and, indeed, the result of the whole is what was to have been expected from known circumstances. Yet the essay was perhaps necessary to justify, as well

as induce, the measures proper for the protection of our commerce. The first remittance of a thousand dollars to you, was made without the aid of any facts which could enable the government to judge, what sum might be an indemnification for the interference of the business referred to you, with your private pursuits. Your letter of February the 26th furnishing grounds for correcting the first judgment, I now enclose you a bill on our bankers in Holland for another sum of a thousand dollars. In the original remittance, as in this supplement to it, there has been no view but to do what is right between the public and those who serve them.

Though no authentic account is yet received, we learn through private channels that General Scott has returned from a successful expedition against the Indians; having killed about thirty warriors, taken fifty odd women and children prisoners, and destroyed two or three villages, without the loss of a man, except three, drowned by accident. A similar expedition was to follow immediately after the first, while preparations are making for measures of more permanent effect; so that we hope this summer to bring the Indians to accept of a just and general peace on which nothing will be asked of them but their peace.

The crops of wheat in the United States are rather abundant, and the quality good. Those of tobacco are not promising as yet. I have heard nothing of the rice crops.

I am, with very great esteem, dear Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, July 28, 1791.

DEAR SIR,—Since my last I have received letters from you as follows:

* * * * * * * * *

Mine to you, unacknowledged, were of March the 8th, 12th, 15th, 19th, April the 25th, and May the 10th. Your two last

letters mention the length of time you have been without intelligence, having then received mine of January the 23d only. You will perceive by the above, that six letters of a later date were on their way to you. The receipt of these, with the newspapers, journals, laws, and other printed papers accompanying them, will have relieved your anxiety, by answering several articles of your former letters, and opening to you some new and important matters. I scarcely ever miss the opportunity of a private vessel going from hence or New York to any port of France, without writing to you and sending you the newspapers, &c. In the winter, occasions are very rare, this port, particularly, being blocked up with ice. The reason of so long an interval between the last and present letter, has been the journey of a month, which that informed you I was about to take. This is the first vessel which has offered since my return; she is bound to Havre, and will carry the newspapers as usual.

The difference of sixty-two livres ten sols the hogshead, established by the National Assembly on tobacco brought in their and our ships, is such an act of hostility against our navigation, as was not to have been expected from the friendship of that nation. It is as new in its nature as extravagant in its degree; since it is unexampled, that any nation has endeavored to wrest from another the carriage of its own produce, except in the case of their colonies. The British navigation act, so much and so justly complained of, leaves to all nations the carriage of their own commodities free. This measure, too, is calculated expressly to take our own carriage from us and give the equivalent to other nations: for it is well known, that the shipping of France is not equal to the carriage of their whole commerce; but the freight in other branches of navigation being on an equal footing with only forty livres the hogshead, in ours, and this new arrangement giving them sixty-two livres ten sols the hogshead, in addition to their freight, that is to say, one hundred and two livres ten sols, instead of forty livres, their vessels will leave every other branch of business to fill up this. They will consequently leave a void in those other branches, which will

be occupied by English, Dutch, and Swedes, on the spot. They complain of our tonnage duty; but it is because it is not understood. In the ports of France, we pay fees for anchorage, buoys and beacons, fees to measurers, weighers and guagers, and in some countries, for light-houses. We have thought it better that the public here should pay all these, and reimburse itself by a consolidation of them into one fee, proportioned to the tonnage of the vessel, and therefore called by that name. They complain that the foreign tonnage is higher than the domestic. If this complaint had come from the English, it would not have been wonderful, because the foreign tonnage operates really as a tax on their commerce, which, under this name, is found to pay sixteen dollars and fifty cents for every dollar paid by France. It was not conceived, that the latter would have complained of a measure calculated to operate so unequally on her rival, and I still suppose she would not complain, if the thing were well understood. The refusing to our vessels the faculty of becoming national bottoms, on sale to their citizens, was never before done by any nation but England. I cannot help hoping that these were wanderings of a moment, founded in misinformation, which reflection will have corrected before you receive this.

Whenever jealousies are expressed as to any supposed views of ours, on the dominion of the West Indies, you cannot go farther than the truth, in asserting we have none. If there be one principle more deeply rooted than any other in the mind of every American, it is, that we should have nothing to do with conquest. As to commerce, indeed, we have strong sensations. In casting our eyes over the earth, we see no instance of a nation forbidden, as we are, by foreign powers, to deal with neighbors, and obliged, with them, to carry into another hemisphere, the mutual supplies necessary to relieve mutual wants. This is not merely a question between the foreign power and our neighbor. We are interested in it equally with the latter, and nothing but moderation, at least with respect to us, can render us indifferent to its continuance. An exchange of surplusses and wants between neighbor nations, is both a right and a duty under the

moral law, and measures against right should be mollified in their exercise, if it be wished to lengthen them to the greatest term possible. Circumstances sometimes require, that rights the most unquestionable should be advanced with delicacy. It would seem that the one now spoken of, would need only a mention, to be assented to by any unprejudiced mind: but with respect to America, Europeans in general, have been too long in the habit of confounding force with right. The Marquis de La Fayette stands in such a relation between the two countries, that I should think him perfectly capable of seeing what is just as to both. Perhaps on some occasion of free conversation, you might find an opportunity of impressing these truths on his mind, and that from him, they might be let out at a proper moment as matters meriting consideration and weight, when they shall be engaged in the work of forming a constitution for our neighbors. In policy, if not in justice, they should be disposed to avoid oppression, which, falling on us, as well as on their colonies, might tempt us to act together.*

The element of measure adopted by the National Assembly excludes, *ipso facto*, every nation on earth from a communion of measure with them; for they acknowledge themselves, that a due portion for admeasurement of a meridian crossing the forty-fifth degree of latitude, and terminating at both ends in the same level, can be found in no other country on earth but theirs. It would follow then, that other nations must trust to their admeasurement, or send persons into their country to make it themselves, not only in the first instance, but whenever afterwards they may wish to verify their measures. Instead of concurring, then, in a measure which, like the pendulum, may be found in every point of the forty-fifth degree, and through both hemispheres, and consequently in all the countries of the earth lying under that parallel, either northern or southern, they adopt one which can be found but in a single point of the northern parallel, and consequently only in one country, and that country is theirs.

[* This paragraph was in cypher, but an explication of it preserved with the copy.]

I left with you a statement of the case of Schweighauser and Dobrée, with the original vouchers on which it depends. From these you will have known, that being authorized by Congress to settle this matter, I began by offering to them an arbitration before honest and judicious men of a neutral nation. They declined this, and had the modesty to propose an arbitration before *merchants of their own town.* I gave them warning then, that as the offer on the part of a sovereign nation to submit to a private arbitration was an unusual condescendence, if they did not accept it then, it would not be repeated, and that the United States would judge the case for themselves hereafter. They continued to decline it, and the case now stands thus. The territorial judge of France has undertaken to call the United States to his jurisdiction, and has arrested their property, in order to enforce appearance, and possess himself of a matter whereon to found a decree; but no court can have jurisdiction over a sovereign nation. This position was agreed to; but it was urged, that some act of Mr. Barclay's had admitted the jurisdiction. It was denied that there had been any such act by Mr. Barclay, and disavowed, if there was one, as without authority from the United States, the property on which the arrest was made, having been purchased by Dr. Franklin, and remaining in his possession till taken out of it by the arrest. On this disavowal, it was agreed that there could be no further contest, and I received assurance that the property should be withdrawn from the possession of the court by an evocation of the cause before the King's Council, on which, without other proceedings, it should be delivered to the United States. Applications were repeated as often as dignity or even decency would permit; but it was never done. Thus the matter rests, and thus it is meant it should rest. No answer of any kind is to be given to Schweighauser and Dobrée. If they think proper to apply to their sovereign, I presume there will be a communication either through you or their representative here, and we shall have no difficulty to show the character of the treatment we have experienced.

I will observe for your information, that the sustenance of our captives at Algiers is committed to Colonel Humphreys.

You will be so kind as to remember, that your public account from the 1st day of July, 1790, to the last of June, 1791, inclusive, is desired before the meeting of Congress, that I may be able to lay before them the general account of the foreign fund for that year.

General Scott has returned from a successful expedition against the northern Indians, having killed thirty-two warriors, taken fifty-eight women and children prisoners, and destroyed three towns and villages, with a great deal of corn in grain and growth. A similar expedition was to follow immediately, while preparation is making for measures of more permanent effect; so that we may reasonably hope the Indians will be induced to accept of peace which is all we desire.

Our funds have risen nearly to par. The eight millions for the bank was subscribed as fast as it could be written, and that stock is now above par. Our crops of wheat have been rather abundant, and of excellent quality. Those of tobacco are not very promising as yet. The census is not yet completed, but from what we hear, we may expect our whole numbers will be nearer four than three millions. I inclose a sketch of the numbers as far as we yet know them.

I am, with great and sincere esteem, dear Sir, your sincere friend and servant.

TO MR. PAINE.

PHILADELPHIA, July 29, 1791.

DEAR SIR,—Your favor of Sept. 28th, 1790, did not come to my hands till Feb. 11th, and I have not answered it sooner because it said you would be here in the spring. That expectation being past, I now acknowledge the receipt. Indeed I am glad you did not come away till you had written your "Rights of Man." That has been much read here with avidity and pleasure. A writer under the signature of Publicola has attacked it. A

host of champions entered the arena immediately in your defence. The discussion excited the public attention, recalled it to the "Defence of the American constitutions" and the "Discourses on Davila," which it had kindly passed over without censure in the moment, and very general expressions of their sense have been now drawn forth; and I thank God that they appear firm in their republicanism, notwithstanding the contrary hopes and assertions of a sect here, high in name but small in numbers. These had flattered themselves that the silence of the people under the "Defence" and "Davila" was a symptom of their conversion to the doctrine of king, lords, and commons. They are checked at least by your pamphlet, and the people confirmed in their good old faith.

Your observations on the subject of a copper coinage has satisfied my mind on that subject, which I confess had wavered before between difficulties. As a different plan is under consideration of Congress, and will be taken up at their meeting, I think to watch the proper moment, and publish your observations (except the notes which contain facts relative to particular persons, which I presume you would dislike to see published, and which are not necessary to establish the main object), adding your name, because it will attract attention and give weight to the publication. As this cannot take place under four months, there is time for you to forbid me, if it should be disagreeable to you to have the observations published, which, however, I hope it will not be.

General Scott has just returned from a successful expedition against the Indians, having killed thirty-two warriors, and taken fifty-eight women and children, and burnt several towns. I hope they will now consent to peace, which is all we ask. Our funds are near par; the crops of wheat remarkably fine; and a great degree of general prosperity arising from four years successive of plentiful crops, a great diffusion of domestic manufacture, a return to economy, and a reasonable faith in the new government. I shall be happy to hear from you, and still more to see you, being with great, and sincere esteem, dear Sir, your friend and servant.

TO THE PRESIDENT.

PHILADELPHIA, July 30, 1791.

SIR,—I have the honor to inclose for your perusal, a letter which I have prepared for Mr. Short.

The ill humor into which the French colonies are getting, and the little dependence on the troops sent thither, may produce a hesitation in the National Assembly as to the conditions they will impose in their constitution. In a moment of hesitation, small matters may influence their decision. They may see the impolicy of insisting on particular conditions, which, operating as grievances on us, as well as on their colonists, might produce a concert of action. I have thought it would not be amiss to trust to Mr. Short the sentiments in the cyphered part of the letter, leaving him to govern himself by circumstances, whether to let them leak out at all or not, and whether so as that it may be known or remain unknown that they come from us. A perfect knowledge of his judgment and discretion leaves me entirely satisfied, that they will be not used, or so used as events shall render proper. But if you think that the possibility that harm may be done, overweighs the chance of good, I would expunge them, as, in cases of doubt, it is better to say too little than too much.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient and most humble servant.

TO GENERAL KNOX.

PHILADELPHIA, August 10, 1791.

DEAR SIR,—I have now the honor to return you the petition of Mr. Moultrie on behalf of the South Carolina Yazoo company. Without noticing that some of the highest functions of sovereignty are assumed in the very papers which he annexes as his justification, I am of opinion that government should firmly maintain this ground; that the Indians have a right to the occupation of their lands, independent of the States within whose

chartered lines they happen to be; that until they cede them by treaty or other transaction equivalent to a treaty, no act of a State can give a right to such lands; that neither under the present constitution, nor the antient confederation, had any State or person a right to treat with the Indians, without the consent of the General Government; that that consent has never been given to any treaty for the cession of the lands in question; that the government is determined to exert all its energy for the patronage and protection of the rights of the Indians, and the preservation of peace between the United States and them; and that if any settlements are made on lands not ceded by them, *without the previous consent of the United States*, the government will think itself bound, not only to declare to the Indians that such settlements are without the authority or protection of the United States, but to remove them also by the public force.

It is in compliance with your request, my dear Sir, that I submit these ideas to you, to whom it belongs to give place to them, or such others as your better judgment shall prefer, in answer to Mr. Moultrie.

I have the honor to be, with sentiments of the most sincere and repectful esteem, dear Sir, your most obedient and most humble servant.

TO COLONEL HARVIE.

PHILADELPHIA, August 14, 1791.

DEAR SIR,—Being charged with the preparation of a statement to Congress of all their lands north of the Ohio, it becomes necessary for me to know what quantity of lands was assigned to the Virginia Continental line on the south side of the Ohio, say on the Cumberland, in satisfaction of their claims of bounty lands against the Continent. If I can by any means come at this quantity, by deducting it from the sum total of bounty lands given to all the lines, which sum total I know, the residue will be exactly what the army is entitled to on the north side of the Ohio. I am in hopes your office can furnish me with this infor-

mation, and am to ask the favor of you to have it inquired into. All I wish is the *sum total* in lots located by the Virginia *Continental line* south of the Ohio. I suppose your office cannot inform me what was located for the same line north of the Ohio, and therefore I do not ask it. The fees of office for these researches, be so good as to inform me of, and they shall be remitted you. As your answer cannot be here before my departure for Virginia, I shall be glad to receive it there. If your office cannot furnish the information, and you know where it may be obtained, I shall consider it as a singular favor, if you will be so good as to put it for me at once into its right channel. I am, with great esteem, dear Sir, your sincere friend and humble servant.

TO MR. CARMICHAEL.

PHILADELPHIA, August 24, 1791.

SIR,—Your letter of January 24, is still the only one received from you within the period so often mentioned. Mine to you of the present year have been of March 12 and 17, April 11, May 16, and June 23. I have lately preferred sending my letters for you to Colonel Humphreys, in hopes he might find means of conveying them to you. The subjects of those of the 12th and 17th of March are still pressed on you, and especially the first, the great object of which cannot be delayed without consequences which both nations should deprecate.

Mr. Iandenes arrived here some time ago, and has been received as joint commissioner with Mr. Viar. The concurring interests of Spain and this country certainly require the presence of able and discreet ministers.

The crop of wheat of the present year has surpassed all expectation as to quantity, and is of fine quality. Other articles of agriculture will differ more by an extraordinary drought.

I enclose you a copy of our census, which, so far as it is written in black ink, is founded on actual returns, what is in red ink being conjectured, but very near the truth. Making very small

allowance for omissions, which we know to have been very great, we may safely say we are above four millions.

Our first expedition against the Indians, under General Scott, has been completely successful; he having killed thirty odd, taken fifty odd, and burnt their towns. A second expedition against them has commenced, and we expect daily the result.

The public credit continues firm. The domestic debt funded at six per cent., is twelve and a half per cent. above par. A spirit, however, of gambling in our public paper has seized on too many of our citizens, and we fear it will check our commerce, arts, manufactures, and agriculture, unless stopped.

Newspapers for you accompany this, addressed to the care of Colonel Humphreys.

I am, with great esteem, Sir, your most obedient, and most humble servant.

TO SIR JOHN SINCLAIR.

PHILADELPHIA, August 24, 1791.

DEAR SIR,—I am to acknowledge the receipt of your two favors of December 25 and May 14, with the pamphlets which accompanied them, and to return you my thanks for them. The Corn Law, I perceive, has not passed in the form you expected. My wishes on that subject were nearer yours than you imagined. We both in fact desired the same thing for different reasons, respecting the interests of our respective countries, and therefore justifiable in both. You wished the bill so moulded as to encourage strongly your national agriculture. The clause for warehousing foreign corn tended to lessen the confidence of the farmer in the demand for his corn. I wished the clause omitted, that our corn might pass directly to the country of the consumer, and save us the loss of an intermediate deposit, which it can illy bear. That no commercial arrangements between Great Britain and the United States have taken place, as you wish should be done, cannot be imputed to us. The proposition has surely been often enough made, perhaps too often. It is a happy circum-

stance in human affairs, that evils which are not cured in one way will cure themselves in some other.

We are now under the first impression of the news of the King's flight from Paris, and his re-capture. It would be unfortunate were it in the power of any one man to defeat the issue of so beautiful a revolution. I hope and trust it is not, and that, for the good of suffering humanity all over the earth, that revolution will be established and spread through the whole world.

I shall always be happy, my dear Sir, to hear of your health and happiness, being with sentiments of the most cordial esteem and respect, dear Sir, your most obedient humble servant.

TO E. RUTLEDGE, ESQ.

PHILADELPHIA, August 25, 1791.

MY DEAR SIR,—I have received your favor of the 7th, by Mr. Harper, and that also by Mr. Butler. I thank you for both, and shall duly respect both. I find by the last that, not your letter on the subject of British commerce, but mine in answer to it, has miscarried. Yours was dated June 20, 1790, was received July 2, and answered July 4. I send you a copy of the answer, which will read now like an old almanac; but it will show you I am incapable of neglecting anything which comes from you. The measures therein spoken of as in contemplation, for the purpose of bringing Great Britain to reason, vanished in a reference of the subject to me to report on our commerce and navigation generally, to the next session of Congress. I have little hope that the result will be anything more than to turn the left cheek to him who has smitten the right. We have to encounter not only the prejudices in favor of England, but those against the Eastern States, whose ships, in the opinion of some, will overrun our land. I have been sorry to see that your State has been over-jealous of the measures proposed on this subject, and which really tend to relieve them from the effects of British broils. I wish you may be able to convert Mr. Barnwell, because you

think him worth converting. Whether you do or not, your opinion of him will make me solicitous for his acquaintance, because I love the good, and respect freedom of opinion. What do you think of this scrippomony? Ships are lying idle at the wharfs, buildings are stopped, capitals withdrawn from commerce, manufactures, arts, and agriculture to be employed in gambling, and the tide of public prosperity almost unparalleled in any country is arrested in its course, and suppressed by the rage of getting rich in a day. No mortal can tell where this will stop; for the spirit of gaming, when once it has seized a subject, is incurable. The tailor who has made thousands in one day, though he has lost them the next, can never again be content with the slow and moderate earnings of his needle. Nothing can exceed the public felicity, if our papers are to be believed, because our papers are under the orders of our scripmen. I imagine, however, we shall hear that all the cash has quitted the extremities of the nation, and accumulated here. That produce and property fall to half price there, and the same things rise to double price here. That the cash accumulated and stagnated here, as soon as the bank paper gets out, will find its vent into foreign countries, and instead of this solid medium, which we might have kept for nothing, we shall have a paper one, for the use of which we are to pay these gamesters fifteen per cent. per annum, as they say.

Would to God yourself, General Pinkney and Major Pinkney, would come forward and aid us with your efforts. You are all known, respected, wished for; but you refuse yourselves to everything. What is to become of us, my dear friend, if the vine and the fig tree withdraw, and leave us to the bramble and thorn?

You will have heard before this reaches you, of the peril into which the French revolution is brought by the flight of their King. Such are the fruits of that form of government, which heaps importance on idiots, and of which the Tories of the present day are trying to preach into our favor. I still hope the French revolution will issue happily. I feel that the permanence of our own, leans in some degree on that; and that a failure

there would be a powerful argument to prove there must be a failure here. We have been told that a British minister would be sent out to us this summer. I suspect this depends on the event of peace or war. In the latter case, they will probably send one; but they have no serious view of treating or fulfilling treaties. Adieu, my dear Sir. Yours affectionately.

TO MESSRS. JOHNSON, STUART, AND CARROL.

PHILADELPHIA, August 28, 1791.

GENTLEMEN,—Your joint letter of the 2d instant to the President, as also Mr. Carrol's separate letters of the 5th and 15th, have been duly received. Major L'Enfant also having arrived here and laid his plan of the Federal City before the President, he was pleased to desire a conference of certain persons, in his presence, on these several subjects. It is the opinion of the President, in consequence thereof, that an immediate meeting of the Commissioners at Georgetown is requisite; that certain measures may be decided on, and put into a course of preparation for a commencement of sale on the 17th of October, as advertised. As Mr. Madison and myself, who were present at the conference, propose to pass through Georgetown on our way to Virginia, the President supposes that our attendance at the meeting of the Commissioners might be of service to them, as we could communicate to them the sentiments developed at the conferences here and approved by the President, under whatever point of view they may have occasion to know them. The circumstances of time and distance oblige me to take the liberty of proposing the day of meeting, and to say that we will be in Georgetown on the evening of the 7th or morning of the 8th of the next month, in time to attend any meeting of the Commissioners on that day, and in hopes they may be able, in the course of it, to make all the use of us they may think proper, so that we may pursue our journey the next day. To that meeting, therefore, the answers to the several letters before mentioned are referred.

This letter is addressed to Mr. Carrol only, with a requisition to the Postmaster at Georgetown to send it to him by express, under the hope that it will, by expresses to the other gentlemen, take timely measures for the proposed meeting on the 8th.

I have the honor to be, with sentiments of the highest respect and esteem, Gentlemen, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, August 29, 1791.

DEAR SIR,—I am to acknowledge the receipt of your No. 67, June the 6th, No. 68, June the 10th, No. 69, June the 22d, No. 70, June the 26th, No. 71, June the 29th; the three last by the British packet. My last to you was of July the 28th, by a vessel bound to Havre. This goes to the same port, because accompanied by newspapers. It will be the last I shall write you these two months, as I am to set out for Virginia the next week. I now enclose you a copy of my letter of March the 12th, to Mr. Carmichael, which you say was not in that of the same date to you. There was no paper to accompany it but St. Marie's, which you say you received. I enclose you also a copy of our census, written in black ink, so far as we have actual returns, and supplied by conjecture in red ink, where we have no returns; but the conjectures are known to be very near the truth. Making very small allowance for omissions, which we know to have been very great, we are certainly above four millions, probably about four millions one hundred thousand.

There is a vessel now lying at Philadelphia, advertising to receive emigrants to Louisiana, gratis, on account of the Spanish government. Be so good as to mention this to M. de Montmorin, who will be a judge what we must feel under so impudent a transaction.

You observe, that if Drost does not come, you have not been authorized to engage another coiner. If he does not come, there will probably be one engaged here. If he comes, I should think

him a safe hand to send the diplomatic dye by, as also all the dyes of our medal, which may be used here for striking off what shall be wanting hereafter. But I would not have them trusted at sea, but from April to October inclusive. Should you not send them by Drost, Havre will be the best route. I have not spoken with the Secretary of the Treasury yet, on the subject of the presses, but believe you may safely consider two presses as sufficient for us, and agree for no more without a further request.

The decree of the National Assembly, relative to tobacco carried in French or American ships, is likely to have such an effect in our ports, as to render it impossible to conjecture what may or may not be done. It is impossible to let it go on without a vigorous correction. If that should be administered on our part, it will produce irritation on both sides, and lessen that disposition which we feel cordially to concur in a treaty, which shall melt the two nations as to commercial matters into one, as nearly as possible. It is extremely desirable, that the National Assembly should themselves correct the decree, by a repeal founded on the expectation of an arrangement.

We have, as yet, no news of the event of our second expedition against the Indians.

I am, with great and sincere esteem, dear Sir, your friend and servant.

TO M. LA MOTTE.

PHILADELPHIA, August 30, 1791.

SIR,—I am now to acknowledge the receipt of your favors of February the 9th, March the 25th, and April the 24th; as also of the several packages of wine, carriages, &c., which came safe to hand, and for your care of which be pleased to accept my thanks.

I am sensible of the difficulties to which our consuls are exposed by the applications of sailors, calling themselves Americans. Though the difference of dialect between the Irish and

Scotch, and the Americans, is sensible to the ear of a native, it is not to that of a foreigner, however well he understands the language; and between the American and English (unless of particular provinces) there is no difference sensible even to a native. Among hundreds of applications to me, at Paris, nine-tenths were Irish, whom I readily discovered. The residue, I think, were English; and I believe not a single instance of a Scotchman or American. The sobriety and order of the two last, preserve them from want. You will find it necessary, therefore, to be extremely on your guard against these applications. The bill of expenses for Huls is much beyond those aids which I should think myself authorized to have advanced habitually, until the law shall make express provision for that purpose. I must, therefore, recommend to you, to hazard only small sums in future, until our legislature shall lay down more precise rules for my government.

The difference of duty on tobacco carried to France in French and American bottoms, has excited great uneasiness. We presume the National Assembly must have been hurried into the measure, without being allowed time to reflect on its consequences. A moment's consideration must convince anybody, that no nation upon earth ever submitted to so enormous an assault on the transportation of their own produce. Retaliation, to be equal, will have the air of extreme severity and hostility. Such would be an *additional tonnage* of twelve livres ten sous the ton burthen, on all *French* ships entering our ports. Yet this would but exactly balance an *additional duty* of six livres five sous the hogshead of tobacco, brought in *American ships* entering in the ports of France. I hope, either that the National Assembly will repeal the measure, or the proposed treaty be so hastened, as to get this matter out of the way before it shall be necessary for the ensuing legislature to act on it. Their measure, and our retaliation on it, which is unavoidable, will very illy prepare the minds of both parties for a liberal treaty. My confidence in the friendly dispositions of the National Assembly, and in the sincerity of what they have expressed on the subject, in-

duce me to impute it to surprise altogether, and to hope it will be repealed before time shall be given to take it up here.

I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, August 30, 1791.

DEAR SIR,—My letter of July the 26th covered my first of exchange for a thousand dollars, and though that went by so sure an opportunity as to leave little doubt of its receipt, yet, for greater security, I enclose a second.

The tranquillity of our country leaves us nothing to relate, which may interest a mind surrounded by such buoyant scenes as yours. No matter; I will still tell you the charming though homespun news, that our crops of wheat have been abundant and of superior quality; that very great though partial drought has destroyed the crops of hay to the north, and corn to the south; that the late rains may recover the tobacco to a middling crop, and that the fields of rice are promising.

I informed you in my last, of the success of our first expedition against the Indians. A second has gone against them, the result of which is not yet known. Our public credit is good, but the abundance of paper has produced a spirit of gambling in the funds, which has laid up our ships at the wharves, as too slow instruments of profit, and has even disarmed the hand of the tailor of his needle and thimble. They say the evil will cure itself. I wish it may; but I have rarely seen a gamester cured, even by the disasters of his vocation. Some new indications of the ideas with which the British cabinet are coming into treaty, confirm your opinions, which I know to be right, but the Anglomany of some would not permit them to accede to.

Adieu, my dear Sir. Your affectionate humble servant.

TO BENJ. BANNEKER.

PHILADELPHIA, August 30, 1791.

SIR,—I thank you sincerely for your letter of the 19th instant, and for the Almanac it contained. Nobody wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal to those of the others colors of men, and that the appearance of a want of them is owing merely to the degraded condition of their existence, both in Africa and and America. I can add with truth, that nobody wishes more ardently to see a good system commenced for raising the condition both of their body and mind to what it ought to be, as fast as the imbecility of their present existence, and other circumstances which cannot be neglected, will admit. I have taken the liberty of sending your Almanac to Monsieur de Condorcet, Secretary of the Academy of Sciences at Paris, and member of the Philanthropic society, because I considered it as a document to which your color had a right for their justification against the doubts which have been entertained of them. I am, with great esteem, Sir, your most obedient humble servant.

TO JOHN ADAMS.

PHILADELPHIA, August 30, 1791.

MY DEAR SIR,—I received some time ago your favor of July 29, and was happy to find that you saw in its true point of view the way in which I had been drawn into the scene, which must have been so disagreeable to you. The importance which you still seem to allow to my note, and the effect you suppose it to have had, though unintentional in me, induces me to show you that it really had no effect. Paine's pamphlet, with my note, was published here about the second week in May. Not a word ever appeared in the public papers here on the subject for more than a month; and I am certain not a word on the subject would ever have been said, had not a writer, under the name of Publi-

cola, at length undertaken to attack Mr. Paine's principles, which were the principles of the citizens of the United States. Instantly a host of writers attacked Publicola in support of those principles. He had thought proper to misconstrue a figurative expression in my note; and these writers so far noticed me as to place the expression in its true light. But this was only an incidental skirmish preliminary to the general engagement, and they would not have thought me worth naming, had not he thought proper to bring me on the scene. His antagonists, very criminally, in my opinion, presumed you to be Publicola, and on that presumption hazarded a personal attack on you. No person saw with more uneasiness than I did, this unjustifiable assault; and the more so, when I saw it continued after the printer had declared you were not the author. But you will perceive from all this, my dear Sir, that my note contributed nothing to the production of these disagreeable pieces. As long as Paine's pamphlet stood on its own feet and on my note, it was unnoticed. As soon as Publicola attacked Paine, swarms appeared in his defence. To Publicola, then, and not in the least degree to my note, this whole contest is to be ascribed and all its consequences.

You speak of the execrable paragraph in the Connecticut papers. This, it is true, appeared before Publicola; but it had no more relation to Paine's pamphlet and my note, than to the Alcoran. I am satisfied the writer of it had never seen either; for when I passed through Connecticut about the middle of June, not a copy had ever been seen by anybody, either in Hartford or New Haven, nor probably in that whole State; and that paragraph was so notoriously the reverse of the disinterestedness of character which you are known to possess by everybody who knows your name, that I never heard a person speak of the paragraph, but with an indignation in your behalf which did you entire justice. This paragraph, then, certainly did not flow from my note, any more than the publications which Publicola produced. Indeed it was impossible that my note should occasion your name to be brought into question; for so far from naming you, I had not even in view any writing which I might

suppose to be yours, and the opinions I alluded to were principally those I had heard in common conversation from a sect aiming at the subversion of the present government to bring in their favorite form of a king, lords and commons.

Thus I hope, my dear Sir, that you will see me to have been as ignorant *in effect* as I was in intention. I was brought before the public without my own consent, and from the first moment of seeing the effect of the real aggression in this business to keep me before the public, I determined that nothing should induce me to put pen to paper in the controversy. The business is now over, and I hope its effects are over, and that our friendship will never be suffered to be committed, whatever use others may think proper to make of our names.

The event of the King's flight from Paris and his recapture, will have struck you with its importance. It appears, I think, that the nation is firm within, and it only remains to see whether there will be any movement from without. I confess I have not changed my confidence in the favorable issue of that revolution, because it has always rested on my own ocular evidence of the unanimity of the nation, and wisdom of the patriotic party in the National Assembly. The last advices render it probable that the Emperor will recommence hostilities against the Porte. It remains to see whether England and Prussia will take a part. Present me to Mrs. Adams with all the affections I feel for her, and be assured of those devoted to yourself by, my dear Sir, your sincere friend and servant.

TO ADMIRAL PAUL JONES.

PHILADELPHIA, August 31, 1791.

DEAR SIR,—I am to acknowledge the receipt of your favor of March 20th, with the several papers it enclosed, which were duly communicated to the President. No proof was necessary to satisfy us here of your good conduct everywhere. In answer to your request to obtain and transmit the proper authority of the

United States for your retaining the order of St. Anne, conferred on you by the Empress, I can only say that the Executive of our Government are not authorized either to grant or refuse the permission you ask, and consequently cannot take on themselves to do it. Whether the Legislature would undertake to do it or not, I cannot say. In general, there is an aversion to meddle with anything of that kind here. And the event would be so doubtful that the Executive would not commit themselves by making the proposition to the Legislature.

Our new Constitution works well, and gives general satisfaction. Public credit is high. We have made a successful expedition against the Indians this summer, and another is gone against them, and we hope will induce them to peace. A census of our numbers, taken this summer, gives us reason to believe we are about four millions of all ages and sexes. A state of tranquil prosperity furnishing no particular and interesting events to communicate to you, I have only to add assurances of the constant esteem and attachment of, dear Sir, your most obedient humble servant.

TO MONSIEUR DE TERNANT, *Minister Plenipotentiary of France.*

PHILADELPHIA, September 1, 1791.

SIR,—I have communicated to the President what passed between us the other day, on the subject of the payments made to France by the United States in the *assignats* of that country, since they have lost their par with gold and silver; and after conferences, by his instruction, with the Secretary of the Treasury, I am authorized to assure you, that the government of the United States have no idea of paying their debt in a depreciated medium, and that in the final liquidation of the payments which shall have been made, due regard will be had to an equitable allowance for the circumstance of depreciation.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO T. NEWTON.

GEORGETOWN, September 8, 1791.

DEAR SIR,—I was in the moment of my departure from Philadelphia, for Virginia, when I received your favor, inquiring how far the law of nations is to govern in proceedings respecting foreign consuls.

The law of nations does not of itself extend to consuls at all. They are not of the diplomatic class of characters, to which alone that law extends of right. Convention, indeed, may give it to them, and sometimes has done so; but in that case, the convention can be produced. In ours with France, it is expressly declared that consuls shall not have the privileges of that law, and we have no convention with any other nation.

Congress have had before them a bill on the subject of consuls, but have not as yet passed it. Their code then furnishes no law to govern these cases.

Consequently, *they are to be decided by the State laws alone.* Some of these, I know, have given certain privileges to consuls; and I think those of Virginia did at one time. Of the extent and continuance of those laws, you are a better judge than I am.

Independently of law, consuls are to be considered as distinguished foreigners, dignified by a commission from their sovereign, and specially recommended by him to the respect of the nation with whom they reside. They are subject to the laws of the land, indeed, precisely as other foreigners are, a convention, where there is one, making a part of the laws of the land: but if at any time, their conduct should render it necessary to assert the authority of the laws over them, the rigor of those laws should be tempered by our respect for their sovereign, as far as the case will admit. This moderate and respectful treatment towards foreign consuls, it is my duty to recommend and press on our citizens, because I ask it for their good towards our own consuls, from the people with whom they reside.

In what I have said, I beg leave to be understood as laying down general principles only, and not as applying them to the

facts which may have arisen. Before such application, those facts should be heard from all whom they interest. You, who have so heard them, will be able to make the application yourself, and that, not only in the present, but in future cases.

I have the honor to be, with great esteem, your most obedient humble servant.

TO MR. HAMMOND.

October 26, 1791.

Mr. Jefferson has the honor of presenting his compliments to Mr. Hammond, of expressing his regrets that he happened to be from home when Mr. Hammond did him the honor of calling on him, and was equally unlucky in not finding him at home when he waited on him on Monday. Being informed by Mr. Bond, that Mr. Hammond is charged with a public mission to the government of the United States, relative to which some previous explanations might be proper, Mr. Jefferson has the honor to assure Mr. Hammond, he shall be ready to receive any communications and enter into explanations, either formally or informally, as Mr. Hammond shall choose, and at any time suitable to him. He recollects with pleasure his acquaintance with Mr. Hammond in Paris, and shall be happy in every opportunity of rendering him such offices and attentions as may be acceptable to him.

TO J. MADISON.

November 1, 1791.

In my report on How's case, where I state that it should go to the President, it will become a question with the House whether they shall refer it to the President themselves, or give it back to the petitioner, and let him so address it, as he ought to have done at first. I think the latter proper, 1, because it is a case belonging purely to the Executive; 2, the legislature should never show itself in a matter with a foreign nation, but where the case is very serious and they mean to commit the nation on its issue;

3, because if they indulge individuals in handing through the legislature their applications to the Executive, all applicants will be glad to avail themselves of the weight of so powerful a solicitor. Similar attempts have been repeatedly made by individuals to get the President to hand in their petitions to the legislature, which he has constantly refused. It seems proper that every person should address himself directly to the department to which the constitution has allotted his case; and that the proper answer to such from any other department is, "that it is not to us that the constitution has assigned the transaction of this business." I suggest these things to you, that they may appear to you to be right this kind of business may in the first instance be turned into its proper channel.

TO THE PRESIDENT.

November 6, 1791.

SIR,—I have the honor to enclose you the draught of a letter to Governor Pinckney, and to observe, that I suppose it to be proper that there should, on fit occasions, be a direct correspondence between the President of the United States and the Governors of the States; and that it will probably be grateful to them to receive from the President, answers to the letters they address to him. The correspondence with them on ordinary business, may still be kept up by the Secretary of State, in his own name.

I enclose also a letter to Major Pinckney, with a blank to be filled up, when you shall have made up your mind on it. I have conferred with Mr. M. on the idea of the commissioners of the federal town proceeding to make private sales of the lots, and he thinks it advisable. I cannot but repeat, that if the surveyors will begin on the river, laying off the lots from Rock Creek to the Eastern Branch, and go on abreast, in that way, from the river towards the back part of the town, they may pass the avenue from the President's house to the capitol, before the spring; and as soon as they shall have passed it, a public sale may take place, without injustice to either the Georgetown or Carrolsburg

interest. Will not the present afford you a proper occasion of assuring the commissioners, that you leave everything respecting L'Enfant to them?

I have the honor to be, with the most sincere respect, Sir, your most obedient humble servant.

TO MAJOR THOMAS PINCKNEY.

PHILADELPHIA, November 6, 1791.

SIR,—The mission of a Minister Plenipotentiary to the court of London being now to take place, the President of the United States is desirous of availing the public of your services in that office. I have it in charge, therefore, from him, to ask whether it will be agreeable that he should nominate you for that purpose to the Senate. We know that higher motives will alone influence your mind in the acceptance of this charge. Yet it is proper, at the same time, to inform you, that as a provision for your expenses in the exercise of it, an outfit of nine thousand dollars is allowed, and an annual salary to the same amount, payable quarterly. On receiving your permission, the necessary orders for these sums, together with your credentials, shall be forwarded to you, and it would be expected that you should proceed on the mission as soon as you can have made those arrangements for your private affairs, which such an absence may render indispensable. Let me only ask the favor of you to give me an immediate answer, and by duplicate, by sea and post, that we may have the benefit of both chances for receiving it as early as possible. Though I have not the honor of a personal acquaintance with you, yet I beg you to be assured, that I feel all that anxiety for your entrance on this important mission, which a thorough conviction of your fitness for it can inspire; and that in its relations with my office, I shall always endeavor to render it as agreeable to you as possible.

I have the honor to be, with sentiments of the highest respect and esteem, Sir, your most obedient humble servant.

TO THE PRESIDENT.

PHILADELPHIA, November 7, 1791.

SIR,—I have duly considered the letter you were pleased to refer to me, of the 18th of August, from his Excellency Governor Pinckney to yourself, together with the draught of one proposed to be written by him to the Governor of Florida, claiming the re-delivery of certain fugitives from justice, who have been received in that country. The inconveniences of such a receptacle for debtors and malefactors in the neighborhood of the southern States, are obvious and great, and I wish the remedy were as certain and short as the latter seems to suppose.

The delivery of fugitives from one country to another, as practised by several nations, is in consequence of conventions settled between them, defining precisely the cases wherein such deliveries shall take place. I know that such conventions exist between France and Spain, France and Sardinia, France and Germany, France and the United Netherlands; between the several sovereigns constituting the Germanic body, and, I believe, very generally between co-terminous States on the continent of Europe. England has no such convention with any nation, and their laws have given no power to their executive to surrender fugitives of any description; they are, accordingly, constantly refused, and hence England has been the asylum of the Paolis, the La Mottes, the Calonnes, in short, of the most atrocious offenders as well as the most innocent victims, who have been able to get there.

The laws of the United States, like those of England, receive every fugitive, and no authority has been given to our executives to deliver them up. In the case of Longchamp, a subject of France, a formal demand was made by the minister of France, and was refused. He had, indeed, committed an offence within the United States; but he was not demanded as a criminal but as a subject.

The French government has shown great anxiety to have such a convention with the United States, as might authorize them to command their subjects coming here; they got a clause

in the consular convention signed by Dr. Franklin and the Count de Vergennes, giving their consuls a right to take and send back captains of vessels, mariners and *passengers*. Congress saw the extent of the word *passengers*, and refused to ratify the convention; a new one was therefore formed, omitting that word. In fact, however desirable it be that the perpetrators of crimes, acknowledged to be such by all mankind, should be delivered up to punishment, yet it is extremely difficult to draw the line between those and acts rendered criminal by tyrannical laws only; hence the first step always, is a convention defining the cases where a surrender shall take place.

If, then, the United States could not deliver up to Governor Quesada, a fugitive from the laws of his country, we cannot claim as a right the delivery of fugitives from us; and it is worthy consideration, whether the demand proposed to be made in Governor Pinckney's letter, should it be complied with by the other party, might not commit us disagreeably, perhaps dishonorably in event; for I do not think we can take for granted, that the legislature of the United States will establish a convention for the mutual delivery of fugitives; and without a reasonable certainty that they will, I think we ought not to give Governor Quesada any grounds to expect, that in a similar case, we would re-deliver fugitives from his government.

I have the honor to be, with the most profound respect and attachment, Sir, your most obedient, and most humble servant.

TO MESSRS. JOHNSON, STEWART AND CARROL.

PHILADELPHIA, November 21, 1791.

GENTLEMEN,—A Mr. Blodget has a scheme in contemplation for purchasing and *building* a whole street in the new city, and any one of them which you may think best. The magnitude of the proposition occasioned it to be little attended to in the beginning. However, great as it is, it is believed by good judges to be practicable. It may not be amiss, therefore, to be ready for

it. The street most desirable to be built up at once, we suppose to be a broad one, (the avenue,) leading from the President's house to the Capitol. To prepare the squares adjoining to that, on both sides, in the first place, can do no harm; because, if Mr. Blodget's scheme does not take effect, still it is a part of a work done, which was to be done; if his scheme takes effect, you will be in readiness for him, which would be desirable. The President, therefore, desires me to suggest to you the beginning at once on that avenue, and when all the squares on that shall be laid off, they may go on laying off the rest of the squares between that and the river, from Georgetown to the eastern branch, according to an idea he has suggested to you in a letter not long since. This, however, is but a suggestion for the good of the undertaking, on which you will decide as you think proper. I have the honor to be, gentlemen, your most obedient, and most humble servant.

TO MR. ELLICOTT.

PHILADELPHIA, November 21, 1791.

DEAR SIR,—It is excessively desirable that an extensive sale of lots in Washington should take place as soon as possible. It has been recommitted to the commissioners to have all the squares adjacent to the avenue from the President's house to the Capitol, on both sides, and from thence to the river, through the whole breadth of the ground between Rock Creek and Eastern Branch, first laid off; the object of the present is to ask your *private* opinion of the earliest time at which this portion of the work can be completed, which I will beg the favor of you to communicate to me by letter. In order that the sale may not be delayed by the engraving, it is hoped that by communicating what is executed from time to time, the engraver may nearly keep pace with you.

I am, with great esteem, dear Sir, your most obedient servant.

TO WILLIAM SHORT.

PHILADELPHIA, November 24, 1791.

DEAR SIR,—My last to you was of August the 29th, acknowledging the receipt of your Nos. 67, 68, 69, 70, 71, and informing you I was about setting out to Virginia, and should not again write to you till my return. Only one vessel has sailed from hence to Havre since my return, and my notice of her departure was so short, that I could not avail myself of it. Your Nos. 72, 73, 74, 75, 78, came here during my absence, and 79, 80, were received October the 28th. The Nos. 76 and 77 seem to be missing.

You mention that Drost wishes the devices of our money to be sent to him, that he may engrave them there. This cannot be done, because not yet decided on. The devices will be fixed by the law which shall establish the mint. M. de Ternant tells me he has no instructions to propose to us the negotiation of a commercial treaty, and that he does not expect any. I wish it were possible to draw that negotiation to this place. In your letter of July the 24th, is the following paragraph. "It is published in the English newsapers, that war is inevitable between the United States and Spain, and that preparations are making for it on both sides. M. de Montmorin asked me how the business stood at present, and seemed somewhat surprised at my telling him, that I knew nothing later than what I had formerly mentioned to him. I have, in more than one instance, experienced the inconvenience of being without information. In this, it is disagreeable, as it may have the appearance with M. de Montmorin, of my having something to conceal from him, which not being the case, it would be wrong that he should be allowed to take up such an idea. I observed, that I did not suppose there was any new circumstance, as you had not informed me of it." Your observation was certainly just. It would be an Augean task for me to go through the London newspapers, and formally contradict all their lies, even those relating to America. On our side, there having been certainly no preparations for war against

Spain; nor have I heard of any on their part, but *in the London newsapers.* As to the progress of the negotiation, I know nothing of it but from you; having never had a letter from Mr. Carmichael on the subject. Our best newspapers are sent you from my office with scrupulous exactness, by every vessel sailing to Havre or any other convenient port of France. On these I rely for giving you information of all the facts possessed by the public; and as to those not possessed by them, I think there has not been a single instance of my leaving you uninformed of any of them which related to the matters under your charge. In Freneau's paper of the 21st instant, you will see a small essay on population and emigration, which I think it would be well if the news writers of Paris would translate and insert in their papers. The sentiments are too just not to make impression.

Some proceedings of the assembly of St. Domingo have lately taken place, which it is necessary for me to state to you exactly, that you may be able to do the same to M. de Montmorin. When the insurrection of their negroes assumed a very threatening appearance, the Assembly sent a deputy here to ask assistance of military stores and provisions. He addressed himself to M. de Ternant, who (the President being then in Virginia, as I was also) applied to the Secretaries of the Treasury and War. They furnished one thousand stand of arms, other military stores, and placed forty thonsand dollars in the treasury, subject to the order of M. de Ternant, to be laid out in provisions, or otherwise, as he should think best. He sent the arms and other military stores; but the want of provisions did not seem so instantaneous as to render it necessary, in his opinion, to send any at that time. Before the vessel arrived in St. Domingo, the Assembly, further urged by the appearance of danger, sent two deputies more, with larger demands, viz., eight thousand fusils and bayonets, two thousand mousquators, three thousand pistols, three thousand sabres, twenty-four thousand barrels of flour, four hundred thousand livres worth of Indian meal, rice, peas, and hay, and a large quantity of plank, &c. to repair the buildings destroyed. They

applied to M. de Ternant, and then with his consent to me, he and I having previously had a conversation on the subject. They proposed to me, first, that we should supply those wants from the money we owed France; or secondly, from the bills of exchange which they were authorized to draw on a particular fund in France; or thirdly, that we would guarantee their bills, in which case they could dispose of them to merchants, and buy the necessaries themselves. I convinced them the two latter alternatives were beyond the powers of the executive, and the first could only be done with the consent of the minister of France. In the course of our conversation, I expressed to them our sincere attachment to France and all its dominions, and most especially to them who were our neighbors, and whose interests had some common points of union with ours in matters of commerce; that we wished, therefore, to render them every service they needed, but that we could not do it in any way disagreeable to France; that they must be sensible, that M. de Ternant might apprehend that jealousy would be excited by their addressing themselves directly to foreign powers, and therefore, that a concert with him in their applications to us, was essential. The subject of independence, and their views towards it having been stated in the public papers, this led our conversation to it; and I must say, they appeared as far from these views as any persons on earth. I expressed to them freely my opinion, that such an object was neither desirable on their part, nor attainable; that, as to ourselves, there was one case which would be peculiarly alarming to us, to wit, were there a danger of their falling under any other power; that we conceived it to be strongly our interests, that they should retain their connection with the mother country; that we had a common interest with them, in furnishing them the necessaries of life in exchange for sugar and coffee for our own consumption, but that I thought we might rely on the justice of the mother country towards them, for their obtaining this privilege; and on the whole, let them see that nothing was to be done, but with the consent of the minister of France. I am convinced myself that their views and their application to

us are perfectly innocent; however, M. de Ternant, and still more, M. de La Forest, are jealous. The deputies, on the other hand. think that M. de Ternant is not sensible enough of their wants. They delivered me sealed letters to the President and to Congress. That to the President contained only a picture of their distresses, and application for relief. That to Congress, I know no otherwise than through the public papers. The Senate read it, and sent it to the Representatives, who read it, and have taken no other notice of it. The line of conduct I pursue is, to persuade these gentlemen to be contented with such moderate supplies, from time to time, as will keep them from real distress, and to wait with patience for what would be a surplus, till M. de Ternant can receive instructions from France, which he has reason to expect within a few weeks; and I encourage the latter gentleman even to go beyond their absolute wants of the moment, so far as to keep them in good humor. He is accordingly proposing to lay out ten thousand dollars for them, for the present. It would be ridiculous in the present case, to talk about forms. There are situations when form must be dispensed with. A man attacked by assassins will call for help to those nearest him, and will not think himself bound to silence till a magistrate may come to his aid. It would be unwise in the highest degree, that the colonists should be disgusted with either France or us; for it might then be made to depend on the moderation of another power, whether what appears a chimera might not become a reality. I have thought it necessary to go thus fully into this transaction, and particularly as to the sentiments I have expressed to them, that you may be enabled to place our proceedings in their true light.

Our Indian expeditions have proved successful. As yet, however, they have not led to peace. Mr. Hammond has lately arrived here as Minister Plenipotentiary from the court of London, and we propose to name one to that court in return. Congress will probably establish the ratio of representation by a bill now before them, at one representative for every thirty thousand inhabitants. Besides the newspapers, as usual, you will receive

herewith the census lately taken, by towns and counties as well as by States.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MR. HUMPHREYS.

PHILADELPHIA, November 29, 1791

DEAR SIR,—My last to you was of August 23, acknowledging the receipt of your Nos. 19, 21, and 22. Since that, I have received from 23 to 33 inclusive. In mine, I informed you I was about setting out for Virginia, and consequently should not write to you till my return. This opportunity, by Captain Wicks, is the first since my return.

The party which had gone, at the date of my last, against the Indians north of the Ohio, were commanded by General Wilkinson, and were as successful as the first, having killed and taken about eighty persons, burnt some towns, and lost, I believe, not a man. As yet, however, it has not produced peace. A very formidable insurrection of the negroes in French St. Domingo has taken place. From thirty to fifty thousand are said to be in arms. They have sent here for aids of military stores and provisions, which we furnish just as far as the French minister here approves. Mr. Hammond is arrived here as Minister Plenipotentiary from Great Britain, and we are about sending one to that court from hence. The census, particularly as to each part of every State, is now in the press; if done in time for this conveyance, it shall be forwarded. The Legislature have before them a bill for allowing one representative for every thirty thousand persons, which has passed the Representatives, and is now with the Senate. Some late inquiries into the state of our domestic manufactories give a very flattering result. Their extent is great and growing through all the States. Some manufactories on a large scale are under contemplation. As to the article of Etrennes inquired after in one of your letters, it was under

consideration in the first instance, when it was submitted to the President, to decide on the articles of account which should be allowed the foreign ministers in addition to their salary; and this article was excluded, as everything was meant to be which was not in the particular enumeration I gave you. With respect to foreign newspapers, I receive those of Amsterdam, France, and London so regularly, and so early, that I will not trouble you for any of them; but I will thank you for those of Lisbon and Madrid, and in your letters to give me all the information you can of Spanish affairs, as I have never yet received but one letter from Mr. Carmichael, which you I believe brought from Madrid. You will receive with this a pamphlet by Mr. Coxe in answer to Lord Sheffield, Freneau and Fenn's papers. I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO DANIEL SMITH, ESQ.

PHILADELPHIA, November 29, 1791.

SIR,—I have to acknowledge the receipt of your favors of September 1 and October 4, together with the report of the Executive proceedings in the South-Western government from March 1 to July 26.

In answer to that part of yours of September 1 on the subject of a seal for the use of that government, I think it extremely proper and necessary, and that one should be provided at public expense.

The opposition made by Governor Blount and yourself to all attempts by citizens of the United States to settle within the Indian lines without authority from the General Government, is approved, and should be continued.

There being a prospect that Congress, who have now the Post office bill before them, will establish a post from Richmond to Stanton, and continue it thence towards the South-West government a good distance, if not nearly to it, our future correspondence will be more easy, quick, and certain. I am, with great esteem, Sir, your most obedient, and most humble servant.

TO THE ATTORNEY GENERAL.

PHILADELPHIA, December 5, 1791.

DEAR SIR,—The enclosed memorial from the British minister, on the case of Thomas Pagan, containing a complaint of injustice in the dispensations of law by the courts of Massachusetts, to a British subject, the President approves of my referring it to you, to report thereon your opinion of the proceedings, and whether anything, and what, can or ought to be done by the government in consequence thereof.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

The Memorial of the British Minister.

The undersigned, his Britannic Majesty's Minister Plenipotentiary to the United States of America, has the honor of laying before the Secretary of State, the following brief abstract of the case of Thomas Pagan, a subject of his Britannic Majesty, now confined in the prison of Boston, under an execution issued against him out of the Supreme judicial court of Massachusetts Bay. To this abstract, the undersigned has taken the liberty of annexing some observations, which naturally arise out of the statement of the transaction, and which may perhaps tend to throw some small degree of light on the general merits of the case.

In the late war, Thomas Pagan was agent for, and part owner of a privateer called the Industry, which, on the 25th of March, 1783, off Cape Ann, captured a brigantine called the Thomas, belonging to Mr. Stephen Hooper, of Newport. The brigantine and cargo were libelled in the court of vice-admiralty in Nova Scotia, and that court ordered the prize to be restored. An appeal was, however, moved for by the captors, and regularly prosecuted in England before the Lords of Appeals for prize causes, who, in February, 1790, reversed the decree of the vice-admiralty court of Nova Scotia, and condemned the brigantine and cargo as good and lawful prize.

In December, 1788, a judgment was obtained by Stephen Hooper in the court of common pleas for the county of Essex, in Massachusetts, against Thomas Pagan, for three thousand five hundred pounds lawful money, for money had and received to the plaintiff's use. An appeal was brought thereon in May, 1789, to the Supreme judicial court of the commonwealth of Massachusetts, held at Ipswich, for the county of Essex, and on the 16th of June, 1789, a verdict was found for Mr. Hooper, and damages were assessed at three thousand and nine pounds two shillings and ten pence, which sum is "for the vessel called the brigantine Thomas, her cargo and every article found on board." After this verdict, and before entering the judgment, Mr. Pagan moved for a new trial, suggesting that the verdict was against law; because the merits of the case originated in a question, whether a certain brigantine called the Thomas, with her cargo, taken on the high seas by a private ship of war called the Industry, was prize or no prize, and that the court had no authority to give judgment in a cause where the point of a resulting or implied promise arose upon a question of this sort. The supreme judicial court refused this motion for a new trial, because it appeared to the court, that in order to a legal decision it is not necessary to inquire whether this prize and her cargo were prize or no prize, and because the case did not, in their opinion, involve a question relative to any matter or thing necessarily consequent upon the capture thereof: it was therefore considered by the court, that Hooper should receive of Pagan three thousand and nine pounds two shillings and ten pence lawful money, damages: and taxed costs, sixteen pounds two shillings and ten pence. From this judgment, Pagan claimed an appeal to the supreme judicial court of the United States of America, for these reasons: that the judgment was given in an action brought by Hooper, who is, and at the time of commencing the action was, a citizen of the commonwealth of Massachusetts, one of the United States, against Pagan, who, at the time when the action was commenced, was, and ever since has been, a subject of the King of Great Britain, residing in and inhabiting his province of

New Brunswick. This claim of an appeal was not allowed, be cause it was considered by the court, that this court was the supreme judicial court of the commonwealth of Massachusetts, from whose judgment there is no appeal; and further, because there does not exist any such court within the United States of America as that to which Pagan has claimed an appeal from the judgment of this court. Thereupon, execution issued against Pagan on the 9th of October, 1789, and he has been confined in Boston prison ever since.

It is to be observed, that in August, 1789, Mr. Pagan petitioned the supreme judicial court of Massachusetts for a new trial, and after hearing the arguments of counsel, a new trial was refused. On the 1st of January, 1791, his Britannic Majesty's consul at Boston applied for redress on behalf of Mr. Pagan, to the Governor of Massachusetts Bay, who, in his letter of the 28th of January, 1791, was pleased to recommend this matter to the serious attention of the Senate and House of Representatives of that State. On the 14th of February, 1791, the British consul memorialized the Senate and House of Representatives on this subject. On the 22d of February, a committee of both Houses reported a resolution, that the memorial of the consul and message from the Governor, with all the papers, be referred to the consideration of the justices of the supreme judicial court, who were directed, as far as may be, to examine into and consider the circumstances of the case, and if they found that by the force and effect allowed by the law of nations to foreign admiralty jurisdictions, &c., Hooper ought not to have recovered judgment against Pagan, the court was authorized to grant a review of the action. On the 13th of June, 1791, the British consul again represented to the Senate and House of Representatives, that the justices of the supreme judicial court had not been pleased to signify their decision on this subject, referred to them by the resolution of the 22d of February. This representation was considered by a committee of the Senate and of the House of Representatives, who concluded that one of them should make inquiry of some of the judges to know their determination, and

upon being informed that the judges intended to give their opinion, with their reasons, *in writing*, the committee would not proceed any further in the business. On the 27th of June, 1791, Mr. Pagan's counsel moved the justices of the supreme judicial court for their opinion in the case of Hooper and Pagan, referred to their consideration by the resolve of the General Court, founded on the British consul's memorial. Chief Justice and Justice Dana being absent, Justice Paine delivered it as the unanimous opinion of the judges absent as well as present, that Pagan was not entitled to a new trial for any of the causes mentioned in the said resolve, and added, "that the court intended to put their opinions upon paper, and to file them in the cause: that the sickness of two of the court had hitherto prevented it, but that it would soon be done."

It is somewhat remarkable, that the supreme judicial court of Massachusetts Bay, should allege that this case did not necessarily involve a question relative to prize or no prize, when the very jury to whom the court referred the decision of the case established the fact; their verdict was for three thousand and nine pounds two shillings and ten pence, damages, which sum is for the vessel called the brigantine Thomas, her cargo, and everything found on board. Hence it is evident, that the case *did* involve a question of prize or no prize, and having received a formal decision by the only court competent to take cognizance thereof, (viz. the high court of appeals for prize causes in England,) everything that at all related to the property in question, or to the legality of the capture, was thereby finally determined. The legality of the capture being confirmed by the high court of appeals in England, cannot consistently with the principles of the law of nations be discussed in a foreign court of law, or at least, if a foreign court of common law is, by any local regulations, deemed competent to interfere in matters relating to captures, the decisions of admiralty courts or courts of appeal, should be received and taken as conclusive evidence of the legality or illegality of captures. By such decisions, property is either adjudged to the captors or restored to the owners; if adjudged to

the captors, they obtain a permanent property in the captured goods acquired by the rights of war, and this principle originates in the wisdom of nations, and is calculated to prevent endless litigation.

The proceedings of the supreme judicial court of Massachusetts Bay, are in direct violation of the rules and usages that have been universally practised among nations in the determination of the validity of captures, and of all collateral questions that may have reference thereto. The General Court of Massachusetts Bay, among other things, kept this point in view, when they referred the case of Mr. Pagan to the consideration of the justices of the supreme judicial court, and authorized the court to grant a review of the action, if it should be found that by the force and effect allowed by the law of nations to foreign admiralty jurisdictions, Mr. Hooper ought not to have recovered judgment against Mr. Pagan. But the supreme judicial court have not only evaded this material consideration, upon which the whole question incontestibly turns, but have assumed a fact in direct contradiction to the truth of the case, viz. that the case did not involve a question of prize or no prize. Moreover, they have denied Mr. Pagan the benefit of appeal to that court which is competent to decide on the force of treaties, and which court, by the constitution of the United States, is declared to possess *appellate* jurisdiction both as to law and fact, in all cases of controversy between citizens of the United States and subjects of foreign countries, to which class this case is peculiarly and strictly to be referred.

From the foregoing abstract of the case of Thomas Pagan, it appears that he is now detained in prison, in Boston, in consequence of a judgment given by a court which is not competent to decide upon his case, or which, if competent, refused to admit the only evidence that ought to have given jurisdiction, and that he is denied the means of appealing to the highest court of judicature known in these States, which exists in the very organization of the constitution of the United States, and is declared to possess appellate jurisdiction in all cases of a nature similar to this.

For these reasons, the undersigned begs leave respectfully to submit the whole matter to the consideration of the Secretary of State, and to request him to take such measures as may appear to him the best adapted for the purpose of obtaining for the said Thomas Pagan, such speedy and effectual redress as his case may seem to require. GEORGE HAMMOND.

PHILADELPHIA, November 26, 1791.

TO MR. M'ALISTER.

PHILADELPHIA, December 22, 1791.

SIR,—I am favored with yours of the 1st of November, and recollect with pleasure our acquaintance in Virginia. With respect to the schools of Europe, my mind is perfectly made up, and on full enquiry. The best in the world is Edinburgh. Latterly, too, the spirit of republicanism has become that of the students in general, and of the younger professors; so on that account also it is eligible for an American. On the continent of Europe, no place is comparable to Geneva. The sciences are there more modernized than anywhere else. There, too, the spirit of republicanism is strong with the body of the inhabitants: but that of aristocracy is strong also with a particular class; so that it is of some consequence to attend to the class of society in which a youth is made to move. It is a cheap place. Of all these particulars Mr. Kinloch and Mr. Huger, of South Carolina, can give you the best account, as they were educated there, and the latter is lately from thence. I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO MR. STUART.

PHILADELPHIA, December 23, 1791.

DEAR SIR,—I received duly your favor of October 22, and should have answered it by the gentleman who delivered it, but that he left town before I knew of it.

That it is really important to provide a constitution for our State cannot be doubted: as little can it be doubted that the ordinance called by that name has important defects. But before we attempt it, we should endeavor to be as certain as is practicable that in the attempt we should not make bad worse. I have understood that Mr. Henry has always been opposed to this undertaking; and I confess that I consider his talents and influence such as that, were it decided that we should call a convention for the purpose of amending, I should fear he might induce that convention either to fix the thing as at present, or change it for the worse. Would it not therefore be well that means should be adopted for coming at his ideas of the changes he would agree to, and for communicating to him those which we should propose? Perhaps he might find ours not so distant from his, but that some mutual sacrifices might bring them together.

I shall hazard my own ideas to you as hastily as my business obliges me. I wish to preserve the line drawn by the federal constitution between the general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it. Though the experiment has not yet had a long enough course to show us from which quarter encroachments are most to be feared, yet it is easy to foresee, from the nature of things, that the encroachments of the State governments will tend to an excess of liberty which will correct itself, (as in the late instance,) while those of the general government will tend to monarchy, which will fortify itself from day to day, instead of working its own cure, as all experience shows. I would rather be exposed to the inconveniences attending too much liberty, than those attending too small a degree of it. Then it is important to strengthen the State governments; and as this cannot be done by any change in the federal constitution, (for the preservation of that is all we need contend for,) it must be done by the States themselves, erecting such barriers at the constitutional line as cannot be surmounted either by themselves or by the general government. The only barrier in their power is a wise government. A weak one will lose ground in every

contest. To obtain a wise and an able government, I consider the following changes as important. Render the legislature a desirable station by lessening the number of representatives (say to 100) and lengthening somewhat their term, and proportion them equally among the electors. Adopt also a better mode of appointing senators. Render the Executive a more desirable post to men of abilities by making it more independent of the legislature. To wit, let him be chosen by other electors, for a longer time, and ineligible forever after. Responsibility is a tremendous engine in a free government. Let him feel the whole weight of it then, by taking away the shelter of his executive council. Experience both ways has already established the superiority of this measure. Render the judiciary respectable by every possible means, to wit, firm tenure in office, competent salaries, and reduction of their numbers. Men of high learning and abilities are few in every country; and by taking in those who are not so, the able part of the body have their hands tied by the unable. This branch of the government will have the weight of the conflict on their hands, because they will be the last appeal of reason. These are my general ideas of amendments; but, preserving the ends, I should be flexible and conciliatory as to the means. You ask whether Mr. Madison and myself could attend on a convention which should be called? Mr. Madison's engagements as a member of Congress will probably be from October to March or April in every year. Mine are constant while I hold my office, and my attendance would be very unimportant. Were it otherwise, my office should not stand in the way of it. I am, with great and sincere esteem, dear Sir, your friend and servant.

TO THE PRESIDENT.

PHILADELPHIA, December 23, 1791.

SIR,—As the conditions of our commerce with the French and British dominions are important, and a moment seems to be

approaching when it may be useful that both should be accurately understood, I have thrown a representation of them into the form of a table, showing at one view how the principal articles interesting to our agriculture and navigation, stand in the European and American dominions of these two powers. As to so much of it as respects France, I have cited under every article the law on which it depends; which laws, from 1784 downwards, are in my possession.

Port charges are so different, according to the size of the vessel and the dexterity of the captain, that an examination of a greater number of port bills might, perhaps, produce a different result. I can only say, that that expressed in the table is fairly drawn from such bills as I could readily get access to, and that I have no reason to suppose it varies much from the truth, nor on which side the variation would lie. Still, I cannot make myself responsible for this article. The authorities cited will vouch the rest.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

Footing of the Commerce of the United States with France and England, and with the French and English American Colonies.

	France.	Great Britain and Ireland.
Wheat, flour, &c.	(a) Free.	Prohibited till it is 6s. 4d. the bushel.
Rice.	(a) Free.	7s. 4d. sterling the kental.
Salted fish.	(b) 8 livres the kental.	Prohibited.
Salted beef.	(c) 5 livres the kental.	Prohibited.
Salted pork.	(d) 5 livres the kental in some ports. Prohibited in others.	44s. 9d. the kental.
Furs.	(a) Free.	15 to 20 per cent.
Indigo.	(c) 5 livres the kental.	Free.
Whale oil.	(a) 7 livres and 10 sous the barrel of 520 lbs.	£18 3s. the ton.
Tar, pitch, turpentine.	(a) 2½ per cent. 5 sous the kental, by new tariff.	11d. 11s. 2s. 3d. B.
Ships.	(a) Free for naturalization.	Prohibited naturalization.
Port charges. (b)	cents. average. Bordeaux, 23 the ton } 18 Havre, 14 the ton }	average. London, 76 } Liverpool, 61 } 1.09 dols. Bristol, 1.43 } Hull, 1.57 }
Exports to. (f)	1,384,246 D.	(k) 6,888,970 D.
Imports from. (f)	155,136 D.	13,965,464 D.
Freighted in *their* vessels. (f)	9,842 tons.	119,194 tons.
Freighted in *our* vessels. (f)	19,173 tons.	39,171 tons.

	French America.	English America.
Wheat, flour, &c.	(g) Prohibited by a general law. Free, by suspensions from time to time.	Free, by proclamation.
Rice.	(c) 1 per cent.	Free, by proclamation.
Salted fish.	(h) 1 per cent. ✕ 3 livres kental.	Prohibited.
Salted beef.	(c) 1 per cent. ✕ 3 livres kental.	Prohibited.
Port charges.	Cape Franc, .96 } Port au Prince, .40 } average. .55 Martinique, .18 }	Jamaica, .76 } Antigua, .22 } average. Barbadoes, .42 } .44 St. Kitts, .43 } Dominique, .21 }
Exports to.	3,784,656 D.	2,357,583 D.
Imports from.	1,913,212 D.	1,319,964 D.
Freighted in *their* vessels	3,959 tons.	107,759 tons.
Freighted in *our* vessels.	97,236 tons.	Prohibited.

The following articles being on an equal footing in both countries, are thrown together.

	France.	Great Britain and Ireland.
Tobacco.	Free of duty, but under monopoly.	1s. 3d. the lb.
Wood.	Free. (a)	Free.
Pot and pearl ash.	Free. (a)	Free.
Flax seed.	Free. (a)	Free.
	French America.	**English America.**
Corn, Indian.	1 per cent. (c)	Free, by proclamation.
Wood.	1 per cent. (c)	Free, by proclamation.
Salted Pork.	Prohibited. (c)	Prohibited.
Horses and mules.	Free. (c)	Free, by proclamation.
Live provisions.	1 per cent. (c)	Free, by proclamation.
Tar, pitch, turpentine.	1 per cent. (c)	Free, by proclamation.
Imports allowed.	Rum, molasses generally, sugar, and all other commodities till August 1, 1794.	Rum, molasses, sugar, coffee, cocoa nuts, ginger, pimento, by proclamation.

NOTES.

(*a*) By *Arret* of December the 29th, 1787. (*b*) By *Arret* of 1763.
(*c*) By *Arret* of August the 30th, 1784. (*d*) By *Arret* of 1788.
(*e*) By *Arret* of 1760.
(*f*) Taken from the Custom House returns of the United States.
(*g*) There is a general law of France prohibiting foreign flour in their islands, with a suspending power to their Governors, in cases of necessity. An *Arret* of May the 9th, 1789, by their Governor, makes it free till August, 1794; and in fact it is generally free there.
(*h*) The *Arret* of September the 18th, 1785, gave a premium of ten livres the kental, on fish brought in their own bottoms, for five years, so that the law expired September the 18th, 1790. Another *Arret*, passed a week after, laid a duty of five livres the kental, on fish brought in foreign vessels, to raise money for the premium before mentioned. The last *Arret* was not limited in time; yet seems to be understood as only commensurate with the other. Accordingly, an *Arret* of May the 9th, 1789, has made fish in foreign bottoms liable to three livres the kental only till August the 1st, 1794.
(*i*) The port charges are estimated from bills collected from the merchants of Philadelphia. They are different in different ports of the same country, and different in the same ports on vessels of different sizes. Where I had several bills of the same port, I averaged them together. The dollar is rated at 4s. 4½d. sterling in England, at 6s. 8d. in the British West Indies, and five livres twelve sous in France, and at eight livres five sous in the French West Indies.
Several articles stated to be *free* in France, do in fact pay one-eighth of a per cent., which was retained merely to oblige an entry to be made in their Custom House books. In like manner, several of the articles stated to be *free* in England, do, in fact, pay a light duty. The English duties are taken from the book of rates.

Dollars.
(*k*) The exports to Great Britain and Ireland, are.....6,888,978 50
How much they consume, I know not. They certainly re-export the following:

	Dollars.	
Grain, the whole since the law of the last parliament	1,093,885	
Tobacco, five-sixths, according to Sheffield's tables	2,295,411	
Rice, five-sevenths, according to same	552,750	
Indigo, one-third, according to same	315,887	
Furs, probably one-half	17,950	
Ginseng, the whole	32,424	
Mahogany, } not being of our productions should also be deducted	16,724	
Wine, }	4,425	
		4,329,456 00

Remainder, including their consumption and the unknown re-exportations.....2,559,522 50
The exportations certainly known then, are five-eighths of the whole.

TO THE PRESIDENT

PHILADELPHIA, January 4, 1792.

SIR,—Having been in conversation to-day with Monsieur Payan, one of the St. Domingo deputies, I took occasion to inquire of him the footing on which our commerce there stands at present, and particularly whether the colonial *Arret* of 1789, permitting a free importation of our flour till 1793, was still in force. He answered, that that *Arret* was revoked in France on the clamors of the merchants there; and with a like permission to carry flour to the three usual ports, and he thinks to bring away coffee and sugar, was immediately renewed by the Governor. Whether this has been regularly kept up by renewed *Arrets*, during the present troubles, he cannot say, but is sure that in practice it has never been discontinued, and that not by contraband, but openly and legally, as is understood. The public application to us to send flour there, is a proof of it. Instead, therefore, of resting this permission on a colonial *Arret* till 1793, it should be rested on temporary *Arrets* renewed from time to time, as heretofore. This correction of the notes I took the liberty of laying before you, with the table containing a comparative view of our commerce with France and England, I thought it my duty to make.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO MR. SHORT.

PHILADELPHIA, January 5, 1792.

DEAR SIR,—My last to you was of November 24th, since which I have received yours, Nos. 76, 77, and 81 to 87 inclusive. Your letter of October 6th, with your account to June, 1791, is not yet arrived, nor the box mentioned in your number 84. The memorial of the crew of the *Indian* shall be sent to the Governor of South Carolina. In a former letter I informed you that two balanciers would suffice for us, which will have

served as an answer to that part of your late letters on the same subject. With respect to the Assayer, it will be better to defer taking any measures till the bill establishing a mint, which is now before the legislature, shall have passed.

We have been in expectation for some time that some overture would have been made to us from the Court of France, on the subject of the treaty of commerce recommended by the National Assembly to be entered into between the two nations. The executive of ours are perfectly disposed to meet such overtures, and to concur in giving them effect on the most liberal principles. This sentiment you may freely express to the Minister for Foreign Affairs.

We receive with deep regret daily information of the progress of insurrection and devastation in St. Domingo. Nothing indicates as yet that the evil is at its height, and the materials, as yet untouched, but open to conflagration, are immense. The newspapers heretofore sent you, and those now sent, will have informed you of a very bloody action we have had with the Northern Indians, in which our army was defeated. This imposes the necessity of stronger preparations than were before thought requisite.

Some communications from the Court of Madrid having been lately, for the first time, made to us, these shall be the subject of a separate letter.

You mention some failures in the receipt of the journals of Congress and other public papers. I trust always to Mr. Remson to make them up from time to time, and I can answer for his punctuality. I send you his statement of those which have been sent, so that the failure has probably arisen from the inexactitude of those to whom they have been confided. At present we watch for vessels bound to Havre whereby to send them. You will receive some by the *de Jeune Eole*, which sails from hence to that port next week. I am not certain whether this letter will go by the same conveyance, or by the English packet. I am, with the highest esteem and attachment, your affectionate humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, January 17, 1792.

SIR,—Your favors of November the 29th, 30th, and December the 1st, came duly to hand, and gave sincere pleasure, by announcing your disposition to accept the appointment to London. The nominations to Paris and the Hague having been detained till yours could be made, they were all immediately sent in to the Senate, to wit, yourself for London, Mr. G. Morris for Paris, Mr. Short for the Hague. Some members of the Senate, apprehending they had a right of determining on the *expediency* of foreign missions, as well as on the *persons* named, took that occasion of bringing forward the discussion of that question, by which the nominations were delayed two or three weeks. I am happy to be able to assure you, that not a single personal motive with respect to yourself entered into the objections to these appointments. On the contrary, I believe that your nomination gave general satisfaction. Your commission will be immediately made out, but as the opportunities of conveyance at this season are precarious, and you propose coming to this place, I think it better to retain it.

As to the delay proposed in your letter, it was to be expected: indeed, a winter passage from Charleston to this place, or across the Atlantic, is so disagreeable, that if either that circumstance or the arrangement of your affairs should render it in the smallest degree eligible to you, to remain at home till the temperate season comes on, stay till after the vernal equinox; there will be no inconvenience to the public attending it. On the contrary, as we are just opening certain negotiations with the British minister here, which have not yet assumed any determinate complexion, a delay till that time will enable us to form some judgment of the issue they make take, and to know exactly in what way your co-operation at the place of your destination, may aid us. On this and other accounts, it will be highly useful that you take this place in your way, where, or at New York,

you will always be sure of finding a convenient passage to England.

I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient, and most hnmble servant.

TO WILLIAM SHORT.

PHILADELPHIA, January 23, 1792.

DEAR SIR,—I have the pleasure to inform you, that the President of the United States has appointed you minister resident for the United States at the Hague, which was approved by the Senate on the 16th instant. This new mark of the President's confidence will be the more pleasing to you, as it imports an approbation of your former conduct, whereon be pleased to accept my congratulations. You will receive herewith, a letter from myself to Monsier de Montmorin, closing your former mission, your new commission, letters of credence from the President for the States General and Stadtholder, sealed, and copies of them open for your own satisfaction. You will keep the cypher we have heretofore used.

Your past experience in the same line, renders it unnecessary for me to particularize your duties on closing your present, or conducting your future mission. Harmony with our friends being our object, you are sensible how much it will be promoted by attention to the manner as well as the matter of your communications with the government of the United Netherlands. I feel myself particularly bound to recommend, as the most importan of your charges, the patronage of our commerce and the extension of its privileges, both in the United Netherlands and their colonies, but most especially the latter.

The allowance to a minister resident of the United States, is four thousand five hundred dollars a year, *for all his personal services and other expenses*, a year's salary for his outfit, and a quarter's salary for his return. It is understood that the *personal services and other expenses* here meant, do not extend to the cost of

gazettes and pamphlet's transmitted to the Secretary of State's office, to translating or printing necessary papers, postage, couriers, and necessary aids to poor American sailors. These additional charges, therefore, may be inserted in your accounts; but no other of any description, unless where they are expressly directed to be incurred. The salary of your new grade being the same as of your former one, and your services continued, though the scene of them is changed, there will be no intermission of salary; the new one beginning where the former ends, and ending when you shall receive notice of your permission to return. For the same reason there can be but one allowance of outfit and return, the former to take place now, the latter only on your final return. The funds appropriated to the support of the foreign establishment, do not admit the allowance of a secretary to a minister resident. I have thought it best to state these things to you minutely, that you may be relieved from all doubt as to the matter of your accounts. I will beg leave to add a most earnest request, that on the 1st day of July next, and on the same day annually afterwards, you make out your account to that day, and send it by the first vessel, and by duplicates. In this I must be very urgent and particular; because at the meeting of the ensuing Congress always, it is expected that I prepare for them a statement of the disbursements from this fund, from July to June inclusive. I shall give orders by the first opportunity, to our bankers in Amsterdam, to answer your drafts for the allowances herein before mentioned, recruiting them at the same time by an adequate remitment; as I expect that by the time you receive this, they will not have remaining on hand of this fund, more than seven or eight thousand dollars.

You shall receive from me, from time to time, the laws and journals of Congress, gazettes and other interesting papers: for whatever information is in possession of the public, I shall leave you generally to the gazettes, and only undertake to communicate by letter, such, relative to the business of your mission, as the gazetteers cannot give. From you I shall ask, once or twice a month regularly, a communication of interesting occurrences in

Holland, of the general affairs of Europe, and the regular transmission of the Leyden gazette by every British packet, in the way it now comes, which proves to be very regular. Send also such other publications as may be important enough to be read by one who can spare little time to read anything, or which may contain matter proper to be turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolatory communications as are not very secret, and by those packets I would wish always to receive a letter from you, by way of corrective to the farrago of news they generally bring. Intermediate letters, secret communications, gazettes, and other printed papers, had better come by private vessels from Amsterdam; which channel I shall use generally for my letters, and always for gazettes and other printed papers.

The President has also joined you in a special and temporary commission with Mr. Carmichael to repair to Madrid, and there negotiate certain matters respecting the navigation of the Mississippi, and other points of common interest between Spain and us. As some time will be necessary to make out the instructions and transcripts necessary in this business, they can only be forwarded by some future occasion; but they shall be soon forwarded, as we wish not to lose a moment in advancing negotiations so essential to our peace. For this reason, I must urge you to repair to the Hague at the earliest day the settlement of your affairs at Paris will admit, that your reception may be over, and the idea of your being established there strengthened, before you receive the new orders.

I have the honor to be, with sincere respect and esteem, dear Sir, your most obedient and most humble servant.

TO GOVERNEUR MORRIS.

PHILADELPHIA, January 23, 1792.

DEAR SIR,—I have the pleasure to inform you, that the President of the United States has appointed you Minister Plenipo-

tentiary for the United States, at the court of France, which was approved by the Senate on the 12th instant; on which be pleased to accept my congratulations. You will receive herewith your commission, a letter of credence for the King, sealed, and a copy of it open for your own satisfaction, as also a cypher, to be used on proper occasions in the correspondence between us.

To you, it would be more than unnecessary for me to undertake a general delineation of the functions of the office to which you are appointed. I shall therefore only express our desire, that they be constantly exercised in that spirit of sincere friendship and attachment which we bear to the French nation; and that in all transactions with the minister, his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their government, we are under no call to express opinions which might please or offend any party, and therefore it will be best to avoid them on all occasions, public or private. Could any circumstances require unavoidably such expressions, they would naturally be in conformity with the sentiments of the great mass of our countrymen, who, having first, in modern times, taken the ground of government founded on the will of the people, cannot but be delighted on seeing so distinguished and so esteemed a nation arrive on the same ground, and plant their standard by our side.

I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce, and the extension of its privileges, both in France and her colonies, but most especially the latter. Our consuls in France are under general instructions to correspond with the minister of the United States at Paris; from them you may often receive interesting information. Joseph Fenwick is consul at Bordeaux, and Burwell Carnes at Nantz; Monsieur de la Motte vice consul at Havre, and Monsieur Cathalan at Marseilles.

An act of Congress, of July the 1st, 1790, has limited the allowof a Minister Plenipotentiary to nine thousand dollars a year *for all his personal services and other expenses*, a year's salary for his outfit, and a quarter's salary for his return. It is understood

that *the personal services and other expenses* here meant, do not extend to the cost of gazettes and pamphlets transmitted to the Secretary of State's office, to translating or printing necessary papers, postage, couriers, and necessary aids to poor American sailors. These additional charges, therefore, may be inserted in your accounts; but no other of any description, unless where they are expressly directed to be incurred. By an ancient rule of Congress, your salary will commence from the day you receive this letter, if you be then at Paris, or from the day you set out for Paris from any other place at which it may find you; it ceases on receiving notice or permission to return, after which the additional quarter's allowance takes place. You are free to name your own private secretary, who will receive from the public a salary of thirteen hundred and fifty dollars a year, without allowance for any *extras*. I have thought it best to state these things to you minutely, that you may be relieved from all doubt as to the matter of your accounts. I will beg leave to add a most earnest request, that on the 1st day of July next, and on the same day annually afterwards, you make out your account to that day, and send it by the first vessel, and by duplicates. In this I must be very urgent and particular, because at the meeting of the ensuing Congress always, it is expected that I prepare for them a statement of the disbursements from this fund, from July to June inclusive. I shall give orders by the first opportunity to our bankers in Amsterdam, to answer your drafts for the allowances herein before mentioned, recruiting them at the same time by an adequate remitment, as I expect that by the time you receive this, they will not have remaining on hand of this fund more than seven or eight thousand dollars.

You shall receive from me, from time to time, the laws and journals of Congress, gazettes and other interesting papers; for whatever information is in possession of the public, I shall leave you generally to the gazettes, and only undertake to communicate by letter, such, relative to the business of your mission, as the gazettes cannot give.

From you I shall ask, once or twice a month regularly, a

communication of interesting occurrences in France, of the general affairs of Europe, and transmission of the Leyden gazette, the *journal logographe*, and the best paper of Paris for their colonial affairs, with such other publications as may be important enough to be read by one who can spare little time to read anything, or which may contain matter proper to be turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and by those packets I would wish always to receive a letter from you by way of corrective to the farrago of news they generally bring. Intermediate letters, secret communications, gazettes and other printed papers, had better come through the channel of Monsieur de La Motte at Havre, to whom I shall also generally address my letters to you, and always the gazettes and other printed papers.

Mr. Short will receive by the same conveyance, his appointment as minister resident at the Hague.

I have the honor to be, with great esteem and respect, dear Sir, your most obedient and most humble servant.

TO MONSIEUR DE MONTMORIN.

PHILADELPHIA, January 23, 1792.

SIR,—The President of the United States having destined Mr. Short to another employment, he is instructed to take leave of the court of France. The perfect knowledge I have of his understanding and dispositions, gives me full confidence that he has so conducted himself during his residence near them, as to merit their approbation; and that he will mark his departure with those respectful attentions and assurances which will give them entire satisfaction. Above all things, I hope that every exercise of his functions has been consistent with the sincerity of the friendship we bear to the King and nation, and that you will be persuaded, that no one is more cordial in that sentiment than he who has the honor to be, with the most profound respect and attachment, Sir, your most obedient, and most humble servant.

TO DON JOSEPH JAUDENES, AND DON JOSEPH VIAR.

PHILADELPHIA, January 25, 1792.

GENTLEMEN,—Don Joseph Jaudenes having communicated to me verbally that his Catholic Majesty had been apprised of our solicitude to have some arrangements made respecting our free navigation of the Mississippi, and a port thereon convenient for the deposit of merchandize of export and import for lading and unlading the sea and river vessels, and that his Majesty would be ready to enter into treaty thereon directly with us, whensoever we should send to Madrid a proper and acceptable person authorized to treat on our part, I laid the communication before the President of the United States. I am authorized by him to assure you that our government has nothing more at heart than to meet the friendly advances of his Catholic Majesty with cordiality, and to concur in such arrangements on the subject proposed, as may tend best to secure peace and friendship between the two nations on a permanent footing. The President has, therefore, with the approbation of the Senate, appointed Mr. Short, our present minister resident at the Hague, to proceed to Madrid as a joint commissioner with Mr. Carmichael, with full powers to treat on the subject before mentioned, and I have no doubt that these gentlemen will so conduct themselves as to give entire satisfaction. Mr. Short's business at the Hague will occasion a short delay of his departure from that place for Madrid, but he will be duly urged to make it as short as possible.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO MR. SHORT.

PHILADELPHIA, January 28, 1792.

DEAR SIR,—My last private letter to you was of November 25th, your last received was of September 29th. Though the present will be very confidential, and will go, I do not know how, I cannot take time to cypher it all. What has lately occur-

red here will convince you I have been right in not raising your expectations as to an appointment. The President proposed at first the nomination of Mr. T. Pinckney to the court of London, but would not name him till we could have an assurance from him that he would accept, nor did he indicate what the other appointments would be till Mr. Pinckney's answer came. Then he nominated to the Senate Mr. Morris, M. P. for France, Pinckney, M. P. for London, and yourself M. R. for the Hague. The first of these appointments was extremely unpopular, and so little relished by several of the Senate, that every effort was used to negative it. Those whose personal objections to Mr. Morris overruled their deference to the President, finding themselves a minority, joined with another small party who are against all foreign appointments, and endeavored with them to put down the whole system rather than let this article pass. This plan was defeated, and Mr. Morris passed by a vote of 16 against 11. When your nomination came on, it was consented to, by 15 against 11, every man of the latter, however, rising and declaring, that as to yourself they had no personal objection, but only meant by their vote to declare their opinion against keeping any person at the Hague. Those who voted in the negative were not exactly the same in both cases. When the biennial bill furnishing money for the support of the foreign establishment shall come up at the next session, to be continued, the same contest will arise again, and I think it very possible that if the opponents of Mr. Morris cannot remove him otherwise, they will join again with those who are against the whole establishment, and try to discontinue the whole. If they fail in this, I still see no security in their continuing the mission to the Hague; because to do this they must enlarge the fund from forty to fifty thousand dollars. The President afterwards proceeded to join you to Carmichael on a special mission to Spain, to which there was no opposition, except from three gentlemen who were against opening the Mississippi.

I am, with sincere attachment, dear Sir, your affectionate friend and servant.

TO COLONEL HAMILTON.

February — 1792.

DEAR SIR,—I return you the report on the mint, which I have read over with a great deal of satisfaction. I concur with you in thinking that the unit must stand on both metals, that the alloy should be the same in both, also in the proportion you establish between the value of the two metals. As to the question on whom the expense of coinage is to fall, I have been so little able to make up an opinion satisfactory to myself, as to be ready to concur in either decision. With respect to the dollar, it must be admitted by all the world, that there is great incertainty in the meaning of the term, and therefore all the world will have justified Congress for their first act of removing the incertainty by declaring what they understand by the term, but the incertainty once removed, exists no longer, and I very much doubt a right now to change the value, and especially to lessen it. It would lead to so easy a mode of paying off their debts. Besides, the parties injured by this reduction of the value would have so much matter to urge in support of the first point of fixation. Should it be thought, however, that Congress may reduce the value of the dollar, I should be for adopting for our unit, instead of the dollar, either one ounce of pure silver, or one ounce of standard silver, so as to keep the unit of money a part of the system of measures, weights and coins. I hazard these thoughts to you extempore and am, dear Sir, respectfully and affectionately.

TO MR. HAMMOND.

PHILADELPHIA, February 2, 1792.

SIR,—On the receipt of your letter of the 14th of December, I communicated it to the President of the United States, and under the sanction of his authority, the principal members of the executive department made it their duty to make known in conversations generally, the explicit disclaimer, in the name of you

court, which you had been pleased to give us, that the government of Canada had supported or encouraged the hostilities of our Indian neighbors in the western country. Your favor of January the 30th, to the same purpose, has been, in like manner communicated to the President, and I am authorized to assure you, that he is duly sensible of this additional proof of the disposition of the court of London, to confine the proceedings of their officers in our vicinage within the limits of friendship and good neighborhood, and that a conduct so friendly and just, will furnish us a motive the more for those duties and good offices which neighbor nations owe each other.

You have seen too much, Sir, of the conduct of the press in countries where it is free, to consider the gazettes as evidence of the sentiments of any part of the government; you have seen them bestow on the government itself, in all its parts, its full share of inculpation. Of the sentiments of our government on the subject of your letter, I cannot give you better evidence than the statement of the causes of the Indian war, made by the Secretary of War on the 26th of the last month, by order of the President, and inserted in the public papers. No interference on the part of your nation is therein stated among the causes of the war. I am happy, however, in the hope, that a due execution of the treaty will shortly silence those expressions of public feeling by removing their cause. I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, February 4, 1792.

SIR,—The late appointment of a Minister Resident to the Hague, has brought under consideration the condition of Mr. Dumas, and the question, whether he is, or is not, at present in the service of the United States?

Mr Dumas, very early in the war, was employed first by Dr. Franklin, afterwards by Mr. Adams, to transact the affairs of the

United States in Holland. Congress never passed any express vote of confirmation, but they opened a direct correspondence with Mr. Dumas, sent him orders to be executed, confirmed and augmented his salary, made that augmentation retrospective, directed him to take up his residence in their hotel at the Hague, and passed such other votes from time to time as established him *de facto* their agent at the Hague. On the change in the organization of our government in 1789, no commission nor new appointment took place with respect to him, though it did in most other cases; yet the correspondence with him from the office of Foreign Affairs has been continued, and he has regularly received his salary. A doubt has been suggested, whether this be legal. I have myself no doubt but what it is legal. I consider the source of authority with us to be the Nation. Their will, declared through its proper organ, is valid, till revoked by their will declared through its proper organ again also. Between 1776 and 1789, the proper organ for pronouncing their will, whether legislative or executive, was a Congress formed in a particular manner. Since 1789 it is a Congress formed in a different manner, for laws, and a President, elected in a particular way, for making appointments and doing other executive acts. The laws and appointments of the ancient Congress were as valid and permanent in their nature, as the laws of the new Congress, or appointments of the new Executive; these laws and appointments, in both cases deriving equally their source from the will of the nation; and when a question arises, whether any particular law or appointment is still in force, we are to examine, not whether it was pronounced by the ancient or present organ, but whether it has been at any time revoked by the authority of the nation, expressed by the organ competent at the time. The nation, by the act of their federal convention, established some new principles and some new organizations of the government. This was a valid declaration of their will, and *ipso facto* revoked some laws before passed, and discontinued some officers and offices before appointed. Wherever, by this instrument, an old office was suspended by a new one, a new appointment became necessary; but where

the new Constitution did not demolish an office, either expressly or virtually, nor the President remove the officer, both the office and officer remained. This was the case of several; in many of them, indeed, an excess of caution dictated the superaddition of a new appointment; but where there was no such superaddition, as in the instance of Mr. Dumas, both the office and officer still remained: for the will of the nation, validly pronounced by the proper organ of the day, had constituted him their agent, and that will has not, through any of its successive organs, revoked its appointment. I think, therefore, there is no room to doubt its continuance, and that the receipt of salary by him has been lawful.

However, I would not wish to take on myself alone the decision of a question so important, whether considered in a legal or constitutional view; and therefore submit it to you, Sir, whether it is not a proper question whereon to take the opinion of the Attorney General?

Another question then arises, Ought Mr. Dumas to be discontinued? I am of opinion he ought not.

1. Not at this time; because Mr. Short's mission to Madrid will occasion an immediate vacancy at the Hague again; and because, by the time that will be over, his appointment at the Hague must be discontinued altogether, unless Congress should enlarge the foreign fund.

2. Not at any time; because, when, after the peace, Mr. Dumas' agency became of less importance, Congress, under various views of his sacrifices and services, manifested that their continuance of him was in consideration of these, and of his advanced years and infirm state, which render it impossible for him to launch into a new line of gaining a livelihood; and they thought the continuance of moderate competence to him for moderate services, was more honorable to the United States than to abandon him in the face of Europe, after and under such circumstances.

I have the honor to be, with sentiments of the most profound respect and attachment. Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, February 7, 1792.

SIR,—An account presented to me by Mr. John B. Cutting, for expenditures incurred by him in liberating the seamen of the United States in British ports, during the impressments, which took place under that government in the year 1790, obliges me to recall some former transactions to your mind.

You will be pleased to recollect the numerous instances of complaint or information to us, about that time, of the violence committed on our seafaring citizens in British ports, by their press-gangs and officers, and that, not having even a consul there at that time, it was thought fortunate that a private citizen, who happened to be on the spot, stept forward for their protection; that it was obvious that these exertions on his part must be attended with expense, and that a particular demand of fifty pounds sterling for this purpose coming incidentally to my knowledge, it was immediately remitted to Mr. Cutting, with a request to account for it in convenient time. He now presents an account of all his expenditures in this business, which I have the honor to communicate herewith. According to this, the oppression extends to a much greater number of our citizens, and their relief is more costly, than had been contemplated. It will be necessary to lay the account before the Legislature; because, the expenses being of a description which had not occurred before, no appropriation heretofore made would authorize payment at the treasury; because, too, the nature of the transactions may in some instances require, justly, that the ordinary rules of evidence, which the Auditor is bound to apply to ordinary cases, should suffer relaxations, which he probably will not think himself authorized to admit, without the orders of the Legislature.

The practice in Great Britain of impressing seamen whenever war is apprehended, will fall more heavily on ours than on those of any other foreign nation, on account of the sameness of language. Our minister at that court, therefore, will, on these occasions, be under the necessity of interfering for their protection,

in a way which will call for expense. It is desirable that these expenses should be reduced to certain rules, as far as the nature of the case will admit, and the sooner they are so reduced the better. This may be done, however, on surer grounds after the government of Great Britain shall have entered with us into these arrangements on this particular subject which the seriousness of the case calls for on our part, and its difficulty may admit on theirs. This done, it will be desirable that legislative rules be framed which may equally guide and justify the proceedings of our minister, or other agent, at that court, and at the same time extend to our seafaring citizens the protection of which they have so much need.

Mr. Cutting, being on the spot, will himself furnish the explanations and documents of his case, either to the legislature or a committee of it, or to the Auditor, as he shall be required.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MR. HAMMOND.

PHILADELPHIA, February 25, 1792.

SIR,—I have now the honor to enclose you the answer of the Attorney General to a letter I wrote him on the subject of yours of the 18th instant.

It appears that the judges of the Supreme Court of the United States are open to the application of Mr. Pagan for a writ of error to revise his case. This writ is to be granted, indeed, or refused, at the discretion of the judge; but the discretion of a judge is governed by the rules of law; if these be in favor of Mr. Pagan's application, his case will be reviewed in the Supreme Court, and the decision against him corrected, if wrong; if these be against his application, he will then be at the end of the ordinary course of law, at which term alone it is usual for nations to take up the clause of an individual, and to inquire whether their judges have refused him justice. At present, there-

fore, I am not able to say more, than that the judges of the Supreme Court of the United States will receive Mr. Pagan's application for a writ of error to revise the judgment given against him by the inferior court, and that there can be no doubt they will do on that application what shall be right.

I have the honor to be, with the highest esteem, your most obedient, and most humble servant.

TO MESSRS. JOHNSON, CARROL, AND STEWART.

PHILADELPHIA, March 6 1792.

GENTLEMEN,—It having been found impracticable to employ Major L'Enfant about the federal city, in that degree of subordination which was lawful and proper, he has been notified that his services are at an end. It is now proper that he should receive the reward of his past services; and the wish that he should have no just cause of discontent, suggests that it should be liberal. The President thinks of two thousand five hundred, or three thousand dollars: but leaves the determination to you. Ellicot is to go on, the week after the next, to finish laying off the plan on the ground, and surveying and platting the district. I have remonstrated with him on the excess of five dollars a day and his expenses, and he has proposed striking off the latter; but this also is left to you, and to make the allowance retrospective. He is fully apprised that he is entirely under your orders, and there will be no person employed but under your orders. The enemies of this enterprise will take advantage of the retirement of L'Enfant, to trumpet an abortion of the whole. This will require double exertions, to be counteracted. I enclose you the project of a loan which is agreed on, if you approve it. Your answer will be immediately expected, and is kept entirely secret, till the subscriptions are actually opened. With this money, in aid of your other funds, the works may be pushed with such spirit as to evince to the world that they will not be relaxed.

The immediate employment of a superintendent, of activity

and intelligence equal to the nature of his functions and the public expectations, becomes important. You will, doubtless, also consider it as necessary to advertise immediately for plans of the Capitol and President's house. The sketch of an advertisement for the plan of a Capitol, which Mr. Johnson had sent to the President, is now returned with some alterations, and one also for a President's house. Both of them are subject to your pleasure, and when accommodated to that, if you will return them, they shall be advertised here and elsewhere. The President thinks it of primary importance to press the providing as great quantities of brick, stone, lime, plank, timber, &c., this year as possible. It will occur to you that the stone should be got by a skilful hand. Knowing what will be your funds, you will be able to decide which of the following works had better be undertaken for the present year.

The cellars of both houses.

The foundations of one, or both.

Bridge over Rock Creek, and the post road brought over it.

Canal.

Wharves.

The affair of Mr. Carrol, of Duddington's house, seems to call for settlement. The President thinks the most just course would be, to rebuild the house in the same degree, using the same materials as far as they will go, and supplying what are destroyed or rendered unfit; so that the effect will be in fact, only the removal of the house within his lot, and in a position square with the streets. Do you not think it would be expedient to take measures for importing a number of Germans and Highlanders? This need not be to such an extent as to prevent the employment of eastern laborers, which is eligible for particular reasons. If you approve of the importation of Germans and have a good channel for it, you will use it, of course. If you have no channel, I can help you to one. Though Roberdeau's conduct has been really blamable, yet we suppose the principal object of the arrest was to remove him off the ground. As the prosecution of him to judgment might give room to misrepresentation of the

motives, perhaps you may think it not amiss to discontinue the proceedings. You will receive herewith a packet of papers among which are several projects and estimates which have been given in by different persons, and which are handed on to you, not as by any means carrying with them any degree of approbation, but merely, that if you find anything good in them, you may convert it to some account. Some of these contain the views of L'Enfant.

I have the honor to be, with the most perfect esteem and respect, gentlemen, your most obedient, and most humble servant.

TO GOVERNEUR MORRIS.

PHILADELPHIA, March 10, 1792.

DEAR SIR,—My letter of January the 23d, put under cover to Mr. Johnson in London, and sent by a passenger in the British packet of February, will have conveyed to you your appointment as Minister Plenipotentiary of the United States, at the court of France. By the Pennsylvania, Captain Harding, bound to Havre de Grace, and plying pretty regularly between this place and that, you will receive the present letter, with the laws of the United States, journals of Congress, and gazettes to this day, addressed to the care of M. de la Motte. You will also receive a letter from the President to the King of France, in answer to his announcing the acceptance of the Constitution, which came to hand only a week ago. A copy of this letter is sent for your own use. You will be pleased to deliver the sealed one, (to the minister, I presume, according to the ancient etiquette of the court,) accompanying it with the assurances of friendship, which the occasion may permit you to express, and which are cordially felt by the President and the great body of our nation. We wish no occasion to be omitted of impressing the National Assembly with this truth. We had expected, ere this, that in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a treaty of

commerce. An authentic copy of the recommendation was delivered, but nothing said about carrying it into effect. Perhaps they expect that we should declare our readiness to meet them on the ground of treaty. If they do, we have no hesitation to declare it. In the meantime, if the present communications produce any sensation, perhaps it may furnish a good occasion to endeavor to have matters re-placed *in statu quo*, by repealing the late innovations as to our ships, tobacco and whale oil. It is right that things should be on their ancient footing, at opening the treaty. M. Ternant has applied here for four thousand dollars for the succor of the French colonies. The Secretary of the Treasury has reason to believe, that the late loan at Antwerp has paid up all our arrearages to France, both of principal and interest, and consequently, that there is no part of our debt exigible at this time. However, the Legislature having authorized the President to proceed in borrowing to pay off the residue, provided it can be done to the *advantage* of the United States, it is thought the law will be satisfied with *avoiding loss* to the United States. This has obliged the Secretary of the Treasury to require some conditions, which may remove from us that loss which we encountered, from an unfavorable exchange, to pay what was *exigible*, and transfer it to France as to payments not exigible. These shall be fully detailed to you when settled. In the meantime, the money will be furnished as far as it can be done. Indeed, our wishes are cordial for the re-establishment of peace and commerce in those colonies, and to give such proofs of our good faith both to them and the mother country, as to suppress all that jealousy which might oppose itself to the free exchange of our *mutual productions*, so essential to the prosperity of those colonies, and to the preservation of *our agricultural* interest. This is our true interest and our true object, and we have no reason to conceal views so justifiable, though the expression of them may require that the occasions be proper and the terms chosen with delicacy. The gazettes will inform you of the proceedings of Congress, the laws passed and proposed, and generally speaking, of all public transactions. You will perceive that the Indian

war calls for sensible exertions. It would have been a trifle had we only avowed enemies to contend with. The British court have disavowed all aid to the Indians. Whatever may have been their orders in that direction, the Indians are fully and notoriously supplied by their agents with everything necessary to carry on the war. Time will show how all this is to end. Besides the laws, journals and newspapers, before mentioned, you will receive herewith the State constitutions, the census and almanac, and an answer to Lord Sheffield on our commerce. A cypher is ready for you, but cannot be sent till we can find a trusty passenger going to Paris.

I am, with great respect and esteem, dear Sir, your most obedient, and most humble servant.

Since writing the preceding, the two Houses have come to resolutions on the King's letter, which are enclosed in the President's, and copies of them accompany this for your use.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, March 18, 1792.

GENTLEMEN,—The President having thought proper to appoint you joint commissioners plenipotentiary, on the part of the United States, to treat with the court of Madrid on the subjects of the navigation of the Mississippi, arrangements on our limits, and commerce, you will herewith receive your commission; as also observations on these several subjects, reported to the President and approved by him, which will therefore serve as instructions for you. These expressing minutely the sense of our government and what they wish to have done, it is unnecessary for me to do more here than desire you to pursue these objects unremittingly, and endeavor to bring them to an issue in the course of the ensuing summer. It is desirable that you should keep an exact journal of what shall pass between yourselves and the court or their negotiator, and communicate it from time to time to me, that your progress and prospects may be known. You

will be the best judges whether to send your letters by Lisbon, Cadiz, or what other route; but we shall be anxious to hear from you as often as possible. If no safe conveyance occurs from Madrid to Lisbon, and your matter should be of importance sufficient to justify the expense, a courier must be sent; but do not incur the expense unless it be to answer some good end.

I have the honor to be, with great and sincere esteem, Gentlemen, your most obedient, and most humble servant.

TO WILLIAM SHORT, ESQ.

PHILADELPHIA, March 18, 1792.

SIR,—You will receive herewith a commission appointing Mr. Carmichael and yourself joint commissioners plenipotentiary for treating on the subject therein expressed with the Court of Madrid; to which place it is necessary of course that you repair. The instructions and other papers accompanying the commission, (and of which no duplicate is hazarded,) leave nothing to be added here but to express the desire that this object be pursued immediately. It is hoped that in consequence of my former letter you will have made the necessary arrangements for an immediate departure on your receipt of this. You will of course apprise the Court at the Hague in the most respectful and friendly manner, that matters of high moment committed to you, oblige you to a temporary absence. You will then be pleased to proceed by such route as you think best to Madrid, taking care to furnish yourself from the representative of Spain at the Hague, or Paris, with such letters or passports as may ensure your papers from being taken out of your possession, or searched. You will judge from existing circumstances whether, when you approach the limits of Spain, it may not be prudent for you to ascertain previously that you will be permitted to pass unsearched. When arrived at Madrid, the other papers before mentioned mark out the line to be pursued. I am, with great and sincere esteem, Sir, your most obedient, and most humble servant.

TO MR. SHORT.

PHILADELPHIA, March 18, 1792.

MY DEAR SIR,—I shall not repeat in this private dispatch anything said in the public ones sent herewith. I have avoided saying in them what you are to do, when the business you go on shall be finished or become desperate, because I hope to hear what you wish. It is decided that Carmichael will be permitted to come away at that precise epoch, so you need have no delicacy on that subject, if you chose to remain there in your present grade. I become more and more satisfied that the Legislature will refuse the money for continuing any *diplomatic* character at the Hague. I hope you will consider success in the object you go on, as the most important one of your life: that you will meditate the matter day and night, and make yourself thoroughly master of it, in every possible form they may force you to discuss it. A former letter has apprised you of my private intentions at the close of the present federal cycle. My successor and his dispositions are equally unknown. The administration may change then in other of its parts. It is essential that this business be completed before any idea of these things get abroad. Otherwise Spain may delay in hopes of a change of consuls here. It will be a great comfort to leave this business safely and amicably settled, which has so long and immediately threatened our peace. Gardoqui will probably be the negotiator on their part. No attentions should be spared towards him, or the Count Florida Blanca. Let what will be said or done, preserve your *sang froid* immovably, and to every obstacle, oppose patience, perseverance, and soothing language. Pardon my sermonizing; it proceeds from the interest I feel in this business, and in your success. It will be well that you examine with the most minute attention all the circumstances which may enable you to judge and communicate to us whether the situation of Spain admits her to go to war.

The failure of some stock gamblers and some other circumstances, have brought the public paper low. The 6 per cents

have fallen from 26 to 21 1-4, and bank stock from 115 or 120 to 73 or 74, within two or three weeks. This nefarious business is becoming more and more the public detestation, and cannot fail, when the knowledge of it shall be sufficiently extended, to tumble its authors headlong from their heights. Money is leaving the remoter parts of the Union, and flowing to this place to purchase paper; and here, a paper medium supplying its place, it is shipped off in exchange for luxuries. The value of property is necessarily falling in the places left bare of money. In Virginia, for instance, property has fallen 25 per cent. in the last twelve months. I wish to God you had some person who could dispose of your paper at a judicious moment for you, and invest it in good lands. I would do anything my duty would permit, but were I to advise your agent (who is himself a stock dealer) to sell out yours at this or that moment, it would be used as a signal to guide speculations. There can never be a fear but that the paper which represents the public debt will be ever sacredly good. The public faith is bound for this, and no change of system will ever be permitted to touch this; but no other paper stands on ground equally sure. I am glad therefore that yours is all of this kind.

Some bishop of Spain, who was for some time in Mexico, found there copies of Cortez's correspondence, and on his return to Spain, published them. I have made many efforts to get this book, but in vain. I must beg of you to procure it for me while there. It is not many years since it was published. I am, with constant and sincere attachment, dear Sir, your affectionate friend and servant.

TO MESSRS. DE VIAR AND DE JAUDENES.

PHILADELPHIA, March 23, 1792.

GENTLEMEN,—I have the honor to inform you that a commission has been issued to Mr. Carmichael and Mr. Short, as Commissioners Plenipotentiary for the United States, to confer, treat, and negotiate with any person or persons duly authorized

by his Catholic Majesty, of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of their territories, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require should be precisely adjusted and regulated, and of and concerning the general commerce between the United States and the kingdom and dominions of his Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions thereon, saving as usual the right of ratification, which commission is already on its way to Mr. Short, whom it will find at the Hague, and who is desired immediately to proceed to Madrid. I expect his route will be by Bordeaux, and thence across the Pyrenees by the usual road. Might I hope your application to your Court to send a passport and proper orders to their officers, where he must first enter the kingdom, to protect his passage into and through the kingdom, in order to prevent loss of time, which would be incurred by his waiting there till he could ask and receive a passport from Madrid? With the sincerest wishes that the matters not yet settled between the two countries may be so adjusted as to give a free course to that conduct on both sides which an unity of interest evidently prescribes, and with sentiments of perfect esteem and respect for yourselves, I have the honor to be, Gentlemen, your most obedient, and most humble servant.

TO COLONEL PICKERING.

PHILADELPHIA, March 28, 1792.

SIR,—The President has desired me to confer with you on the proposition I made the other day, of endeavoring to move the posts at the rate of one hundred miles a day. It is believed to be practicable here, because it is practised in every other country. The difference of expense alone appeared to produce doubts with you on the subject. If you have no engagement for dinner today, and will do me the favor to come and dine with me, we

will be entirely alone, and it will give us time to go over the matter and weigh it thoroughly. I will, in that case, ask the favor of you to furnish yourself with such notes as may ascertain the present expense of the posts, for one day in the week, to Boston and Richmond, and enable us to calculate the savings which may be made by availing ourselves of the stages. Be pleased to observe that the stages travel all the day. There seems nothing necessary for us then, but to hand the mail along through the night till it may fall in with another stage the next day, if motives of economy should oblige us to be thus attentive to small savings. If a little latitude of expense can be allowed, I should be for only using the stages the first day, and then have our riders. I am anxious that the thing should be begun by way of experiment, for a short distance, because I believe it will so increase the income of the post-office as to show we may go through with it. I shall hope to see you at three o'clock.

I am, with great esteem, Sir, your most obedient humble servant.

TO MR. HAMMOND.

PHILADELPHIA, March 31, 1792.

SIR,—I received yesterday your favor of the day before, and immediately laid it before the President of the United States. I have it in charge from him to express to you the perfect satisfaction which these assurances on the part of your court have given him, that Bowles, who is the subject of them, is an unauthorized impostor. The promptitude of their disavowal of what their candor had forbidden him to credit, is a new proof of their friendly dispositions, and a fresh incitement to us to cherish corresponding sentiments. To these we are led both by interest and inclination, and I am authorized to assure you that no occasion will be omitted on our part, of manifesting their sincerity. I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant.

TO GOVERNOR PINCKNEY.

PHILADELPHIA, April 1, 1792.

SIR,—Your letter of January the 8th to the President of the United States, having been referred to me, I have given the subject of it as mature consideration as I am able. Two neighboring and free governments, with laws equally mild and just, would find no difficulty in forming a convention for the interchange of fugitive criminals. Nor would two neighboring despotic governments, with laws of equal severity. The latter wish that no door should be opened to their subjects flying from the oppression of their laws. The fact is, that most of the governments on the continent of Europe have such conventions; but England, the only free one till lately, has never yet consented either to enter into a convention for this purpose, or to give up a fugitive. The difficulty between a free government and a despotic one, is indeed great. I have the honor to enclose to your Excellency a sketch of the considerations which occurred to me on the subject, and which I laid before the President. He has, in consequence, instructed me to prepare a project of a convention, to be proposed to the court of Madrid, which I have accordingly done, and now enclose a copy of it. I wish it may appear to you satisfactory. Against property we may hope it would be effectual; whilst it leaves a door open to life and liberty except in a single unquestionable case. Messrs. Carmichael and Short will be instructed to make this one of the subjects of their negotiation with the court of Spain.

I have the honor to be, with sentiments of the most perfect esteem and respect, your Excellency's most obedient and most humble servant.

TO THE COMMISSIONERS OF WASHINGTON.

PHILADELPHIA, April 9, 1792.

GENTLEMEN,—In a former letter I enclosed you an idea of Mr. Lee's for an immediate appropriation of a number of lots to raise

a sum of money for erecting a national monument in the city of Washington. It was scarcely to be doubted but that you would avoid appropriations for matters of ornament till a sufficient sum should be secured out of the proceeds of your sales to accomplish the public buildings, bridges and other such objects as are essential. Mr. Caracchi, the artist, who had proposed to execute the monument, has had hopes that a subscription set on foot for that purpose, would have sufficed to effect it. That hope is now over, and he is about to return to Europe. He is unquestionably an artist of the first class. He has had the advantage of taking the model of the President's person in plaster, equal to every wish in resemblance and spirit. It is pretty certain that the equestrian statue of the President can never be executed by an equal workman, who has had equal advantages, and the question is whether a prudent caution will permit you to enter into any engagement now, taking time enough before the term of payment to have accomplished the more material objects of the public buildings, &c. He says to execute the equestrian statue, with the cost of the materials, in marble, will be worth 20,000 guineas; that he would begin it on his return, if four or five years hence you can engage to pay him 20,000 dollars, and the same sum annually afterwards, till the whole is paid, before which time the statue shall be ready. It is rather probable that within some time Congress would take it off your hands, in compliance with an ancient vote of that body. The questions for your considerations are, whether, supposing no difficulty as to the means, you think such a work might be undertaken by you? Whether you can have so much confidence in the productiveness of your funds as to engage for a residuum of this amount, all more necessary objects being first secured, and that this may be within the time before proposed? and, in fine, which will preponderate in your minds, the hazard of undertaking this now, or that of losing the aid of this artist? The nature of this proposition will satisfy you that it has not been communicated to the President, and of course would not be, unless a previous acceptance on your part, should render it necessary to obtain his sanc-

tion. Your answer is necessary for the satisfaction of Mr. Caracchi, at whose instance I submit the proposal to you, and who, I believe, will only wait here the return of that answer. I have the honor to be, with the most perfect esteem, gentlemen, your most obedient and most humble servant.

TO COLONEL N. LEWIS.

PHILADELPHIA, April 12, 1792.

DEAR SIR,—Unremitting business must be my apology, as it is really the true one, for my having been longer without writing to you than my affections dictated. I am never a day without wishing myself with you, and more and more as the fine sunshine comes on, which was made for all the world but me. Congress will rise about the 21st. They have passed the Representation bill at one for thirty-three thousand, which gives to Virginia nineteen members. They have voted an army of five thousand men, and the President has given the command to General Wayne, with four brigadiers, to wit, Morgan, Brooks, Willet and Wilkinson. Congress is now engaged on the ways and means of raising money to pay this army. A further assumption of State debt has been proposed by the Secretary of the Treasury, which has been rejected by a small majority; but the chickens of the treasury have so many contrivances, and are so indefatigable within doors and without, that we all fear they will get it in yet some way or other. As the doctrine is that a public debt is a public blessing, so they think a perpetual one is a perpetual blessing, and therefore wish to make it so large that we can never pay it off. Your friend and servant.

TO THE PRESIDENT.

PHILADELPHIA, April 13, 1792.

SIR,—I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Maj-

esty, covering a clause of a statute of that country relative to its commerce with us, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the minister, as expressed in the letter and answer herein enclosed; and on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the Islands of Jersey and Guernsey. The want of proportion between the motives expressed and the measure, its magnitude and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that government to concur with this in mutual offices of friendship and good will, support his construction. The minister, moreover, assured me verbally, that he would immediately write to his court for an explanation, and in the meantime, is of opinion that the usual intercourse of commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be, with sentiments of the most profound respect and attachment Sir, your most obedient and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, April 24, 1792.

GENTLEMEN,—My letter of March the 18th, conveyed to you full powers for treating with Spain on the subjects therein expressed. Since that, our attention has been drawn to the case of fugitive debtors and criminals, whereon it is always well that coterminous States should understand one another, as far as their ideas on the rightful powers of government can be made to go together. Where they separate, the cases may be left unprovided for. The enclosed paper, approved by the President, will explain to you how far we can go, in an agreement with Spain *for her*

territories bordering on us; and the plan of a convention is there stated. You are desired to propose the matter to that court, and establish with them so much of it as they approve, filling up the blank for the manner of the demand by us and compliance with them, in such a way, as their laws and the organization of their government may require. But recollect that they bound on us between two and three thousand miles, and consequently, that they should authorize a delivery by some description of officers to be found on every inhabitable part of their border. We have thought it best to agree, specially, the manner of proceeding *in our country*, on a demand of theirs, because the convention will in that way execute itself, without the necessity of a new law for the purpose. Your general powers being comprehensive enough to take in this subject, no new ones are issued.

I have the honor to be, with great respect, Gentlemen, your most obedient, and most humble servant.

[The annexed are the papers referred to in the preceding.]

Project of a convention with the Spanish provinces.

Any person having committed murder or malice prepense, not of the nature of treason, within the United States or the Spanish provinces adjoining thereto, and fleeing from the justice of the country, shall be delivered up by the government where he shall be found, to that from which he fled, whenever demanded by the same.

The manner of the demand by the Spanish government, and of the compliance by that of the United States, shall be as follows. The person authorized by the Spanish government where the murder was committed, to pursue the fugitive, may apply to any justice of the Supreme Court of the United States, or to the district judge of the place where the fugitive is, exhibiting proof on oath that a murder has been committed by the said fugitive within the said government, who shall thereon issue his warrant to the marshal or deputy marshal of the same place, to arrest the fugitive and have him before the said district judge, or the said pur-

suer may apply to such marshal or deputy marshal directly, who, on exhibition of proof as aforesaid, shall thereupon arrest the fugitive, and carry him before the said district judge; and when before him in either way, he shall within not less than ——— days, nor more than ——, hold a special court of inquiry, causing a grand jury to be summoned thereto, and charging them to inquire whether the fugitive hath committed a murder, not of the nature of treason, within the province demanding him, and on their finding a true bill, the judge shall order the officer in whose custody the fugitive is, to deliver him over to the person authorized as aforesaid to receive him, and shall give such further authorities to aid the said person in safe keeping and conveying the said fugitive to the limits of the United States, as shall be necessary and within his powers; and his powers shall expressly extend to command the aid of *posse* of every district through which the said fugitive is to be carried. And the said justices, judges and other officers, shall use in the premises the same process and proceedings, *mutatis mutandis*, and govern themselves by the same principles and rules of law, as in cases of murder committed on the high seas.

And the manner of demand by the United States and of compliance by the Spanish government, shall be as follows. The person authorized by a justice of the Supreme Court of the United States, or by the district judge where the murder was committed, to pursue the fugitive, may apply to ———

Evidence on oath, though written and *ex parte*, shall have the same weight with the judge and grand jury in the preceding cases, as if the same had been given before them orally and in presence of the prisoner.

The courts of justice of the said States and provinces, shall be reciprocally open for the demand and recovery of debts due to any person inhabiting the one, from any person fled therefrom and found in the other, in like manner as they are open to their own citizens; likewise, for the recovery of the property, or the value thereof, carried away from any person inhabiting the one, by any person fled therefrom and found in the other, which carry-

ing away shall give a right of civil action, whether the fugitive came to the original possession lawfully or unlawfully, even feloniously; likewise, for the recovery of damages sustained by any forgery committed by such fugitive. And the same provision shall hold in favor of the representatives of the original creditor or sufferer, and against the representatives of the original debtor, carrier away or forger; also, in favor of either government or of corporations, as of natural persons. But in no case, shall the person of the defendant be imprisoned for the debt, though the process, whether original, mesne, or final, be for the form sake directed against his person. If the time between the flight and the commencement of the action exceed not —— years, it shall be counted but as one day under any act of limitations.

This convention shall continue in force ——— years from the exchange of ratifications, and shall not extend to anything happening previous to such exchange.

Heads of consideration on the establishment of conventions between the United States and their neighbors, for the mutual delivery of fugitives from justice.

Has a nation a right to punish a person who has not offended itself? Writers on the law of nature agree that it has not. That, on the contrary, exiles and fugitives are, to it, as other strangers, and have a right of residence, unless their presence would be noxious; e. g. infectious persons. One writer extends the exception to atrocious criminals, too imminently dangerous to society; namely, to pirates, murderers, and incendiaries. Vattel, L. 1. 5. 233.

The punishment of *piracy* being provided for by our laws, need not be so by convention.

Murder. Agreed that this is one of the extreme crimes justifying a denial of habitation, arrest and re-delivery. It should be carefully restrained by definition to homicide of *malice prepense, and not of the nature of treason.*

Incendiaries, or those guilty of *arson.* This crime is so rare as not to call for extraordinary provision by a convention. The

only *rightful* subject then of arrest and delivery, for which we have *need*, is *murder*. Ought we to wish to strain the natural right of arresting and re-delivering fugitives to other cases?

The punishment of all real crimes is certainly desirable, as a security to society; the security is greater in proportion as the chances of avoiding punishment are less. But does the fugitive from his country avoid punishment? He incurs exile, not voluntary, but under a moral necessity as strong as physical. Exile, in some countries, has been the highest punishment allowed by the laws. To most minds it is *next to death;* to many *beyond it.* The fugitive indeed is not of the latter; he must estimate it somewhat *less than death.* It may be said that to *some*, as foreigners, it is no punishment.

Answer. These cases are few. Laws are to be made for the mass of cases.

The object of a convention then, in other cases, would be, that the fugitive might not avoid the *difference between exile and the legal punishment of the case.* Now in what case would this *difference* be so important, as to overweigh even the single inconvenience of multiplying compacts?

1. *Treason.* This, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the *government* and acts against the *oppressions of the government;* the latter are virtues; yet they have furnished more victims to the executioner than the former; because real treasons are rare; oppressions frequent. The unsuccessful strugglers against tyranny, have been the chief martyrs of treason laws in all countries.

Reformation of government with *our* neighbors, being as much wanted now as reformation of religion is, or ever was anywhere, we should not wish then, to give up to the executioner, the patriot who fails, and flees to us. Treasons then, taking the *simulated* with the *real*, are sufficiently punished by exile.

2. Crimes against *property;* the punishment in most countries, immensely disproportionate to the crime.

In England and probably in Canada, to steal a horse is death, the first offence; to steal above the value of twelve pence is death, the second offence. All *excess* of punishment is a crime. To remit a fugitive to excessive punishment is to be accessary to the crime. Ought we to wish for the obligation, or the right to do it? Better, on the whole, to consider these crimes as sufficiently punished by the exile.

There is one crime, however, against property, pressed by its consequences into more particular notice, to-wit:

Forgery, whether of *coin* or *paper;* and whether paper of *public* or *private* obligation. But the fugitive for forgery is punished by exile and confiscation of the property he leaves; to which add by convention, a civil action against the property he carries or acquires, to the amount of the special damage done by his forgery.

The *carrying away* of the property of another, may also be reasonably made to found a *civil* action. A convention then may include forgery and the carrying away the property of others. under the head of,

3. *Flight from debts.*

To remit the fugitive in this case, would be to remit him in every case. For in the present state of things, it is next to impossible not to owe something. But I see neither injustice nor inconvenience in permitting the fugitive to be sued in our courts. The laws of some countries punishing the unfortunate debtor by perpetual imprisonment, he is right to liberate himself by flight, and it would be wrong to re-imprison him in the country to which he flies. Let all process, therefore, be confined to his property.

Murder, not amounting to treason, being the only case in which the fugitive is to be delivered:

On what *evidence*, and *by whom*, shall he be delivered?

In this country, let any justice of the Supreme Court of the United States, or other judge of the district where the fugitive is found, use the same proceedings as for a murder committed on the high seas, until the *finding* of the "*true bill*" by the grand

jury; but evidence on oath from the country demanding him, though in *writing* and *ex parte*, should have the same effect as if delivered *orally* at the *examination.*

A true bill being found by the grand jury, let the officer in whose custody the fugitive is, deliver him to the person charged to demand and receive him.

In the British provinces adjoining us the same proceedings will do.

In the Spanish provinces, a proceeding adapted to the course of their laws should be agreed on.

March 22, 1792.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, April 28, 1792.

DEAR SIR,—My last letter to you was of the 10th of March. The preceding one of January the 23d, had conveyed to you your appointment as Minister Plenipotentiary to the court of France. The present will, I hope, find you there. I now enclose you the correspondence between the Secretary of the Treasury and minister of France, on the subject of the moneys furnished to the distressed of their colonies. You will perceive that the minister chose to leave the adjustment of the terms to be settled at Paris, between yourself and the King's ministers. This you will therefore be pleased to do on this principle; that we wish to avoid any loss by the mode of payment, but would not choose to make a gain which should throw loss on them. But the letters of the Secretary of the Treasury will sufficiently explain the desire of the government, and be a sufficient guide to you.

I now enclose you the act passed by Congress for facilitating the execution of the consular convention with France. In a bill which has passed the House of Representatives for raising moneys for the support of the Indian war, while the duties on every other species of wine are raised from one to three-fourths more than they were, the best wines of France will pay little more than the worst of any other country, to wit, between six and

seven cents a bottle; and where this exceeds forty per cent. on their cost, they will pay but the forty per cent. I consider this latter provision as likely to introduce in abundance the cheaper wines of France, and the more so, as the tax on ardent spirits is considerably raised. I hope that these manifestations of friendly dispositions towards that country, will induce them to repeal the very obnoxious laws respecting our commerce, which were passed by the preceding National Assembly. The present session of Congress will pass over, without any other notice of them than the friendly preferences before mentioned. But if these should not produce a retaliation of good on their part, a retaliation of evil must follow on ours. It will be impossible to defer longer than the next session of Congress, some counter regulations for the protection of our navigation and commerce. I must entreat you therefore, to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation, from considerations suggested by the nature of our government, which will readily occur to you. Congress will rise on this day sen'night. I enclose you a letter from Mrs. Greene, who asks your aid in getting her son forwarded by the Diligence to London, on his way to America. The letter will explain to you the mode and the means, and the parentage and genius of the young gentleman will insure your aid to him. As this goes by the French packet, I send no newspapers, laws, or other articles of that kind, the postage of which would be high.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 16, 1792.

DEAR SIR,—The day after your departure, I received from a Mr. Green, a merchant now at New York, through a third person, the following communication: "that he had had very *late*

advices from Spain, *by way of the Spanish islands*, to this effect, that war with France was inevitable, that troops were marching from all quarters of the kingdom to the frontiers, and that fifty sail of the line had been commissioned." This was permitted to be mentioned to me, but, for particular reasons, to no other persons. I suppose the particular reasons were some mercantile speculation founded on the intelligence; perhaps it may be to buy up all our flour. We have London news from the 1st of April, and nothing of this is mentioned. I have a letter from Colonel Humphreys of March 18, which says nothing of it. I am in hopes, therefore, the only effect will be to get us a good price for our flour or fish; this being our look out, while the success of the speculation is that of the adventurer. You will recollect that we had learned the death of the Emperor of Morocco, after a battle in which he was victorious. The brother opposed to him, it seems, was killed in the same action, and the one—Muley Islema—who had been so long in the sanctuary, is proclaimed Emperor. He was the best character of the three, and is likely to be peaceable. This information is from Colonel Humphreys. The Queen of Portugal is still in the same state. Wyllys does not pronounce her curable, though he says there is nothing which indicates the contrary. He has removed from her all her former physicians. Mr. Madison has favored me with some corrections for my letter to Mr. H. It is now in the hands of the Attorney General, and shall then be submitted to Colonel Hamilton. I find that these examinations will retard the delivery of it considerably. However, delay is preferable to error. Mr. Pinckney is engaged in going over such papers of my office as may put him in possession of whatever has passed between us and the court he is going to. I have one hundred olive trees, and some caper plants, arrived here from Marseilles, which I am sending on to Charleston, where, Mr. Pinckney tells me, they have already that number living of those I had before sent them. I have the honor to be, with sentiments of the most perfect respect and attachment, dear Sir, your most obedient, and most humble servant.

TO MESSRS. DE VIAR AND DE JAUDENES.

PHILADELPHIA, May 17, 1792.

GENTLEMEN,—We lately received from Mr. Leagrove, our Indian agent for the Southern Department, a letter, of which the enclosed is an extract, whereby it appeared that a party of the Creek Indians, under the influence of the adventurer Bowles, had meditated some depredations on the Spanish settlements, from which they had been diverted by a friend of our agent, but that their disposition to do injury was, perhaps, not quite extinguished. Sensible how much it is in the power of neighbor nations to contribute to mutual happiness and prosperity, by faithfully using their good offices wherever they can procure the peace and advantage of each other, and feeling a union of interest with Spain in whatever regards the adjacent possessions, we have not hesitated to give general instructions to our agent in that department to cultivate in the Indians the same friendly dispositions towards the Spanish settlements as towards ourselves, and to promote their peace and interest in every case with the same zeal as our own.

I have the honor to enclose you one of those orders, to congratulate you on the intelligence that the leader, who gave occasion to this particular interposition, is no longer in a situation to threaten further danger, and to assure you that, as far as shall depend on us, we will, on every future occasion, sincerely use what influence we may have with the Indians to discountenance and prevent every measure they may meditate against the peace or prosperity of your subjects.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 18, 1792.

DEAR SIR,—Since I wrote you the day before yesterday, I have received a letter of March 25, from Colonel Humphreys, in-

forming me that the Queen of Portugal was considerably better, as also mentioning the death of the Emperor of Germany. What effect this last event will have on the affairs of Europe, cannot be foreseen, the character of the successor being absolutely unknown. He is twenty-four years of age. One would conjecture that, if he has any dispositions to war, he would think a little time necessary to get his election passed in form, to see if the troubles within his dominions quieted by his father, would be likely to break out or not, &c., and that this would hold him back one campaign. Still, this event renders peace less certain, as the character of his father was so decidedly pacific, that one might count on that. There seems to have been a magnificent story current in London for the three or four last days of March, of the capture of Seringapatam and Tippoo Saib, great slaughter, &c.; but, on the 1st of April, the date of the latest paper which the vessel brings (she is from Glasgow), it had died away to a *hum* raised by stock jobbers, who wanted to sell out. It did in fact raise East India stock two or three per cent. Still it was not fallen into entire discredit, as appears by some paragraphs, and consequently cannot be decidedly pronounced untrue. Perhaps the contradiction of it was the counter hum of those who wanted to buy in.

I have the honor to be, with great and sincere respect and attachment, dear Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 23, 1792.

DEAR SIR,—I have determined to make the subject of a letter what for some time past has been a subject of inquietude to my mind, without having found a good occasion of disburthening itself to you in conversation, during the busy scenes which occupied you here. Perhaps, too, you may be able in your present situation, or on the road, to give it more time and reflection than you could do here at any moment.

When you first mentioned to me your purpose of retiring from the government, though I felt all the magnitude of the event, I was in a considerable degree silent. I knew that, to such a mind as yours, persuasion was idle and impertinent; that before forming your decision you had weighed all the reasons for and against the measure, had made up your mind on full view of them, and that there could be little hope of changing the result. Pursuing my reflections, too, I knew we were some day to try to walk alone, and if the essay should be made while you should be alive and looking on, we should derive confidence from that circumstance, and resource, if it failed. The public mind, too, was calm and confident, and therefore in a favorable state for making the experiment. Had no change of circumstances intervened, I should not, with any hopes of success, have now ventured to propose to you a change of purpose. But the public mind is no longer confident and serene; and that from causes in which you are no ways personally mixed. Though these causes have been hackneyed in the public papers in detail, it may not be amiss, in order to calculate the effect they are capable of producing, to take a view of them in the mass, giving to each the form, real or imaginary, under which they have been presented.

It has been urged, then, that a public debt, greater than we can possibly pay, before other causes of adding new debt to it will occur, has been artificially created by adding together the whole amount of the debtor and creditor sides of accounts, instead of only taking their balances, which could have been paid off in a short time: that this accumulation of debt has taken forever out of our power those easy sources of revenue which, applied to the ordinary necessities and exigencies of government, would have answered them habitually, and covered us from habitual murmurings against taxes and tax-gatherers, reserving extraordinary calls for those extraordinary occasions which would animate the people to meet them: that though the calls for money have been no greater than we must expect generally, for the same or equivalent exigencies, yet we are already obliged to strain the impost till it produces clamor, and will produce evasion and

war on our own citizens to collect it, and even to resort to an *excise* law of odious character with the people, partial in its operation, unproductive unless enforced by arbitrary and vexatious means, and committing the authority of the government in parts where resistance is most probable and coercion least practicable They cite propositions in Congress, and suspect other projects on foot still to increase the mass of debt. They say, that by borrowing at two-thirds of the interest, we might have paid off the principal in two-thirds of the time; but that from this we are precluded by its being made irredeemable but in small portions and long terms; that this irredeemable quality was given it for the avowed purpose of inviting its transfer to foreign countries. They predict that this transfer of the principal, when completed, will occasion an exportation of three millions of dollars annually for the interest, a drain of coin, of which, as there has been no examples, no calculation can be made of its consequences: that the banishment of our coin will be complicated by the creation of ten millions of paper money, in the form of bank bills now issuing into circulation. They think the ten or twelve per cent. annual profit paid to the lenders of this paper medium taken out of the pockets of the people, who would have had without interest the coin it is banishing: that all the capital employed in paper speculation is barren and useless, producing, like that on a gaming table, no accession to itself, and is withdrawn from commerce and agriculture, where it would have produced addition to the common mass: that it nourishes in our citizens habits of vice and idleness, instead of industry and morality: that it has furnished effectual means of corrupting such a portion of the legislature as turns the balance between the honest voters, whichever way it is directed: that this corrupt squadron, deciding the voice of the legislature, have manifested their dispositions to get rid of the limitations imposed by the Constitution on the general legislature, limitations, on the faith of which, the States acceded to that instrument: that the ultimate object of all this is to prepare the way for a change from the present republican form of government to that of a monarchy, of which the English constitu-

tion is to be the model: that this was contemplated by the convention is no secret, because its partisans have made more of it. To effect it then was impracticable, but they are still eager after their object, and are predisposing everything for its ultimate attainment. So many of them have got into the Legislature, that, aided by the corrupt squadron of paper dealers, who are at their devotion, they make a majority in both houses. The republican party, who wish to preserve the government in its present form, are fewer in number; they are fewer even when joined by the two, three, or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any general government; but, being less so to a republican than a monarchical one, they naturally join those whom they think pursuing the lesser evil.

Of all the mischiefs objected to the system of measures before mentioned, none is so afflicting and fatal to every honest hope, as the corruption of the Legislature. As it was the earliest of these measures, it became the instrument for producing the risk, and will be the instrument for producing in future a king, lords and commons, or whatever else those who direct it may choose. Withdrawn such a distance from the eye of their constituents, and these so dispersed as to be inaccessible to public information, and particularly to that of the conduct of their own representatives, they will form the most corrupt government on earth, if the means of their corruption be not prevented. The only hope of safety hangs now on the numerous representation which is to come forward the ensuing year. Some of the new members will be, probably, either in principle or interest, with the present majority; but it is expected that the great mass will form an accession to the republican party. They will not be able to undo all which the two preceding Legislatures, and especially the first, have done. Public faith and right will oppose this. But some parts of the system may be rightfully reformed, a liberation from the rest unremittingly pursued as fast as right will permit, and the door shut in future against similar commitments of the nation. Should the next Legislature take this course, it will draw upon them the whole monarchical and paper interest; but the latter, I

think, will not go all lengths with the former, because creditors will never, of their own accord, fly off entirely from their debtors; therefore, this is the alternative least likely to produce convulsion. But should the majority of the new members be still in the same principles with the present, and show that we have nothing to expect but a continuance of the same practices, it is not easy to conjecture what would be the result, nor what means would be resorted to for correction of the evil. True wisdom would direct that they should be temperate and peaceable; but the division of sentiment and interest happens unfortunately to be so geographical, that no mortal can say that what is most wise and temperate would prevail against what is most easy and obvious? I can scarcely contemplate a more incalculable evil than the breaking of the Union into two or more parts. Yet when we consider the mass which opposed the original coalescence; when we consider that it lay chiefly in the Southern quarter; that the Legislature have availed themselves of no occasion of allaying it, but on the contrary, whenever Northern and Southern prejudices have come into conflict, the latter have been sacrificed and the former soothed; that the owers of the debt are in the Southern, and the holders of it in the Northern division; that the anti-federal champions are now strengthened in argument by the fulfillment of their predictions; that this has been brought about by the monarchical federalists themselves, who, having been for the new government merely as a stepping stone to monarchy, have themselves adopted the very constructions of the Constitution, of which, when advocating its acceptance before the tribunal of the people, they declared it unsusceptible; that the republican federalists who espoused the same government for its intrinsic merits, are disarmed of their weapons; that which they denied as prophecy, having now become true history, who can be sure that these things may not proselyte the small number which was wanting to place the majority on the other side? And this is the event at which I tremble, and to prevent which I consider your continuing at the head of affairs as of the last importance. The confidence of the whole Union is centred in you. Your being at the

helm will be more than an answer to every argument which can be used to alarm and lead the people in any quarter, into violence and secession. North and South will hang together if they have you to hang on; and if the first correction of a numerous representation should fail in its effect, your presence will give time for trying others, not inconsistent with the union and peace of the States.

I am perfectly aware of the oppression under which your present office lays your mind, and of the ardor with which you pant for domestic life. But there is sometimes an eminence of character on which society have such peculiar claims as to control the predelictions of the individual for a particular walk of happiness, and restrain him to that alone arising from the present and future benedictions of mankind. This seems to be your condition, and the law imposed on you by providence in forming your character, and fashioning the events on which it was to operate; and it is to motives like these, and not to personal anxieties of mine or others who have no right to call on you for sacrifices, that I appeal, and urge a revisal of it, on the ground of change in the aspect of things. Should an honest majority result from the new and enlarged representation; should those acquiesce whose principles or interest they may control, your wishes for retirement would be gratified with less danger, as soon as that shall be manifest, without awaiting the completion of the second period of four years. One or two sessions will determine the crisis; and I cannot but hope that you can resolve to add more to the many years you have already sacrificed to the good of mankind.

The fear of suspicion that any selfish motive of continuance in office may enter into this solicitation on my part, obliges me to declare that no such motive exists. It is a thing of mere indifference to the public whether I retain or relinquish my purpose of closing my tour with the first periodical renovation of the government. I know my own measure too well to suppose that my services contribute anything to the public confidence, or the public utility. Multitudes can fill the office in which you have been

pleased to place me, as much to their advantage and satisfaction. I have, therefore, no motive to consult but my own inclination, which is bent irresistibly on the tranquil enjoyment of my family, my farm and my books. I should repose among them, it is true, in far greater security, if I were to know that you remained at the watch; and I hope it will be so. To the inducements urged from a view of our domestic affairs, I will add a bare mention, of what indeed need only to be mentioned, that weighty motives for your continuance are to be found in our foreign affairs. I think it probable that both the Spanish and English negotiations, if not completed before your purpose is known, will be suspended from the moment it is known, and that the latter nation will then use double diligence in fomenting the Indian War. With my wishes for the future, I shall at the same time express my gratitude for the past, at least my portion in it; and beg permission to follow you, whether in public or private life, with those sentiments of sincere attachment and respect, with which I am unalterably, dear Sir, your affectionate friend and humble servant.

MR. JEFFERSON, SECRETARY OF STATE OF THE UNITED STATES, TO MR. HAMMOND.

PHILADELPHIA, May 29, 1792.

SIR,—Your favor of March 5th has been longer unanswered than consisted with my wishes, to forward as much as possible explanations of the several matters it contained. But these matters were very various, and the evidence of them not easily to be obtained, even were it could be obtained at all. It has been a work of time and trouble, to collect from the different States all the acts themselves, of which you had cited the titles, and to investigate the judiciary decisions which were classed with those acts as infractions of the treaty of peace. To these causes of delay may be added the daily duties of my office, necessarily multiplied during the sessions of the Legislature.

SECTION 1. I can assure you with truth, that we meet you on

this occasion, with the sincerest dispositions to remove from between the two countries those obstacles to a cordial friendship, which have arisen from an inexecution of some articles of the treaty of peace. The desire entertained by this country, to be on the best terms with yours, has been constant, and has manifested itself through its different forms of administration, by repeated overtures to enter into such explanations and arrangements as should be right and necessary to bring about a complete execution of the treaty. The same dispositions lead us to wish, that the occasion now presented should not be defeated by useless recapitulations of what had taken place anterior to that instrument. It was with concern, therefore, I observed that you had thought it necessary to go back to the very commencement of the war, and in several parts of your letter to enumerate and comment on all the acts of our different legislatures, passed during the whole course of it, in order to deduce from thence, imputations which your justice would have suppressed, had the whole truth been presented to your view, instead of particular traits, detached from the ground on which they stood. However easy it would be to justify our country, by bringing into view the whole ground, on both sides, to show that legislative warfare began with the British Parliament; that when they levelled at persons or property, it was against entire towns or countries, without discrimination of cause or conduct, while we touched individuals only; naming them man by man, after due consideration of each case, and careful attention not to confound the innocent with the guilty; however advantageously we might compare the distant and tranquil situation of their Legislature with the scenes in the midst of which ours were obliged to legislate; and might then ask, whether the difference of circumstance and situation would not have justified a contrary difference of conduct, and whether the wonder ought to be, that our legislatures had done so much, or so little? we will waive all this, because it would lead to recollections, as unprofitable as unconciliating. The titles of some of your acts, and a single clause of one of them only, shall be thrown among the documents at the end of

this letter, No. 1, 2, and with this we will drop forever the curtain on this tragedy!

Sec. 2. We now come together to consider that instrument which was to heal our wounds, and begin a new chapter in our history. The state in which that found things, is to be considered as rightful: so says the law of nations. *L'état où les choses se trouvent au moment du traité doit passer pour legitime; et si l'on veut y apporter du changement il faut que le traité en fasse une mention expresse. Par consequent toutes les choses dont le traité ne dit rien, doivent demeurer dans l'etat où elles se trouvent lors de sa conclusion." Vattel, l. 4, s. 21. †"De quibus nihil dictum, ea manent quo sunt loco." Wolf, 1222. No alterations then are to be claimed on either side, but those which the treaty has provided. The moment, too, to which it refers, as a rule of conduct for this country at large, was the moment of its notification to the country at large. Vattel, l. 4, s. 24. ‡"Le traité de paix oblige les *parties contractantes* du moment qu'il est conclu aussitôt qu'il a reçu toute sa forme; et elles doivent procurer incessamment l'execution; mais ce traité n'oblige les *sujets* que du moment qu'il leur est notifié." And s. 25. "Le traité devient *par la publication*, une loi pour les sujets, et ils sont obligés de se conformer désormais aux dispositions dont on y est convenu." And another author as pointedly says, §"Pactio pacis *paciscentes* statim obligat quam primum

* "The state in which things are found at the moment of the treaty, should be considered as lawful; and if it is meant to make any change in it, the treaty must expressly mention it. Consequently, all things, about which the treaty is silent, must remain in the state in which they are found at its conclusion." Vattel, l. 4. s. 21.

† "Those things of which nothing is said, remain in the state in which they are." Wolf, 1222.

‡ Vattel, l. 4, s. 24.—"The treaty of peace binds the *contracting parties* from the moment it is concluded, as soon as it has received its whole form, and they ought immediately to have it executed. But this treaty does not bind the *subjects*, but from the moment it is notified to them." And s. 25.—"The treaty becomes, by its *publication*, a law for the subjects, and they are obliged, *thenceforward*, to conform themselves to the stipulations therein agreed on."

§ "The paction of the peace binds the *contractors* immediately, as it is *perfect*, since the obligation is derived from the pact; but the *subjects* and soldiers, as soon

perfecta, cum ex pacto veniat obligatio. Subditos vero et milites quam primum iisdem fuerit *publicata;* cum de eâ *ante publicationem ipsis certo constare non possit.*" Wolf, s. 1229. It was stipulated, indeed, by the ninth article, that "if, before its arrival in America," any place or territory, belonging to either party, should be conquered by the arms of the other, it should be restored. This was the only case in which transactions, intervening between the signature and publication, were to be nullified.

Congress, on the 24th of March, 1783, received informal intelligence from the Marquis de la Fayette, that provisional articles were concluded; and, on the same day, they received a copy of the articles, in a letter of March 19th, from General Carleton and Admiral Digby. They immediately gave orders for recalling all armed vessels, and communicated the orders to those officers, who answered, on the 26th and 27th, that they were not authorized to concur in the recall of armed vessels, on their part. On the 11th of April, Congress received an official copy of these articles from Dr. Franklin, with notice that a preliminary treaty was now signed between France, Spain and England. The event having now taken place on which the provisional articles were to come into effect, on the usual footing of preliminaries, Congress immediately proclaim them, and, on the 19th of April, a cessation of hostilities is published by the commander-in-chief. These particulars place all acts preceding the 11th of April out of the present discussion, and confine it to the treaty itself, and the circumstances attending its execution. I have therefore taken the liberty of extracting from your list of American acts all of those preceding that epoch, and of throwing them together in the paper No. 6, as things out of question. The subsequent acts shall be distributed, according to their several subjects, of I. Exile and confiscation: II. Debts: and III. Interest on those debts:

Beginning, I. with those of exile and confiscation, which will

as it is *published* to them; since *they cannot have certain evidence of it before its publication.*" Wolf, s. 1229.

be considered together, because blended together in most of the acts, and blended also in the same article of the treaty.

Sec. 3. It cannot be denied that the state of war strictly permits a nation to seize the property of its enemies found within its own limits, or taken in war, and in whatever form it exists, whether in action or possession. This is so perspicuously laid down by one of the most respectable writers on subjects of this kind, that I shall use his words, * "Cum ea sit belli conditio, ut hostes sint omni jure spoliati, rationis est, quascunque res hostium apud hostes inventas dominum mutare, et fisco cedere. Solet præterea in singulis fere belli indictionibus constitui, ut bona hostium, tam *apud nos reperta*, quam capta bello publicentur. Si merum jus belli sequamur, etiam *immobilia* possent vendi, et eorum pretium in fiscum redigi, ut in mobilibus obtinet. Sed in omni fere Europa sola fit annotatio, ut eorum fructus, durante bello, percipiat fiscus, finito autem bello, ipsa immobilia ex pactis restituuntur pristinis dominis." Bynkersh. Quest. Jur. Pub. l. 1, c. 7. Every nation, indeed, would wish to pursue the latter practice, if under circumstances leaving them their usual resources. But the circumstances of our war were without example; excluded from all commerce, even with neutral nations, without arms, money, or the means of getting them abroad, we were obliged to avail ourselves of such resources as we found at home. Great Britain, too, did not consider it as an ordinary war, but a rebellion; she did not conduct it according to the rules of war, established by the law of nations, but according to her acts of parliament, made from time to time, to suit circum-

* "Since it is a condition of war, that enemies may be deprived of all their rights, it is reasonable that everything of an enemy's, found among his enemies, should change its owner, and go to the treasury. It is, moreover, usually directed, in all declarations of war, that the goods of enemies, as well *those found among us*, as those taken in war, shall be confiscated. If we follow the mere right of war, even *immovable* property may be sold, and its price carried into the treasury, as is the custom with movable property. But in almost all Europe, it is only notified that their profits, during the war, shall be received by the treasury; and the war being ended, the immovable property itself is restored, by agreement, to the former owner." Bynk. Ques. Jur. Pub. l. 1, c. 7.

stances. She would not admit our title even to the ***strict rights*** of ordinary war; she cannot then claim from us its ***liberalities;*** yet the confiscations of property were by no means universal, and that of debts still less so. What effect was to be produced on them by the treaty, will be seen by the words of the fifth article, which are as follows:

SEC. 4. "ART. V. It is agreed, that the Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties, of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties, of such last-mentioned persons, shall be restored to them, they refunding to any persons, who may be now in possession, the bona fide price (where any has been given), which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage, settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights."

"ART. VI. That there shall be no future confiscations made."

SEC. 5. Observe, that in every other article, the parties agree expressly, that such and such things *shall be done;* in this, they only agree to *recommend* that they shall be done. You are

pleased to say (page 7), "It cannot be presumed, that the Commissioners, who negotiated the treaty of peace, would engage, in behalf of Congress, to make *recommendations* to the Legislatures of the respective States, which they did not expect to be effectual, or enter into direct stipulations which they had not the power to enforce." On the contrary, we may fairly presume that, if they had had the power to *enforce*, they would not merely have *recommended*. When, in every other article, they agree expressly *to do*, why in this do they change the style suddenly, and agree only to *recommend?* Because the things here proposed to be done were retrospective in their nature—would tear up the laws of the several States, and the contracts and transactions, private and public, which had taken place under them; and retrospective laws were forbidden by the constitutions of several of the States. Between persons whose native language is that of his treaty, it is unnecessary to explain the difference between *enacting* a thing to be done, and *recommending* it to be done; the words themselves being as well understood as any by which they could be explained. But it may not be unnecessary to observe, that *recommendations* to the people, instead of *laws*, had been introduced among us, and were rendered familiar in the interval between discontinuing the old, and establishing the new governments. The conventions and committees who then assembled, to guide the conduct of the People, having no authority to oblige them by law, took up the practice of simply recommending measures to them. These recommendations they either complied with or not, at their pleasure. If they refused, there was complaint, but no compulsion. So, after organizing the Governments, if at any time it became expedient that a thing should be done, which Congress, or any other of the organized bodies, were not authorized to ordain, they simply recommended, and left to the People, or their Legislatures, to comply, or not, as they pleased. It was impossible that the negotiators on either side should have been ignorant of the difference between agreeing *to do* a thing, and agreeing only to *recommend* it to be done. The import of the terms is so different, that no deception or surprise could be

supposed, even if there were no evidence that the difference was attended to, explained, and understood.

SEC. 6. But the evidence on this occasion removes all question. It is well known that the British court had it extremely at heart, to procure a restitution of the estates of the refugees who had gone over to their side; that they proposed it in the first inferences, and insisted on it to the last; that our commissioners, on the other hand, refused it from first to last, urging, 1st. That it was unreasonable to restore the confiscated property of the refugees, unless they would reimburse the destruction of the property of our citizens, committed on their part; and 2dly. That it was beyond the powers of the commissions to stipulate, or of Congress to enforce. On this point, the treaty hung long. It was the subject of a special mission of a confidential agent of the British negotiator from Paris to London. It was still insisted on, on his return, and still protested against, by our commissioners; and when they were urged to agree only, that Congress should *recommend* to the State Legislatures to restore the estates, &c., of the refugees, they were expressly told that the Legislatures would not regard the recommendation. In proof of this, I subjoin extracts from the letters and journals of Mr. Adams and Dr. Franklin, two of our commissioners, the originals of which are among the records of the Department of State, and shall be open to you for a verification of the copies. These prove, beyond all question, that the difference between an express agreement to do a thing, and to recommend it to be done, was well understood by both parties, and that the British negotiators were put on their guard by those on our part, not only that the Legislature will be free to refuse, but that they probably would refuse. And it is evident from all circumstances, that Mr. Oswald accepted the *recommendation* merely to have something to oppose to the clamors of the refugees—to keep alive a hope in them, that they might yet get their property from the State Legislatures; and that, if they should fail in this, they would have ground to demand indemnification from their own Government; and he might think it a circumstance of present relief at least, that the question of in-

demnification by them should be kept out of sight, till time and events should open it upon the nation insensibly.

Sec. 7. The same was perfectly understood by the British ministry, and by the members of both Houses in Parliament, as well those who advocated, as those who oppose the treaty; the latter of whom, being out of the secrets of the negotiation, must have formed their judgments on the mere import of the terms. That all parties concurred in this exposition, will appear by the following extracts from the parliamentary register; a work, which, without pretending to give what is spoken with verbal accuracy, may yet be relied on, we presume, for the general reasoning and opinions of the speakers.

House of Commons.—*The preliminary articles under consideration;* 1783, *February* 17*th.*

Mr. Thomas Pitt.—"That the interests of the sincere loyalists were as dear to him, as to any man; but that he could never think it would have been promoted by carrying on that unfortunate war, which Parliament had in fact suspended before the beginning of the treaty; that it was impossible, after the part Congress was pleased to take in it, to conceive that their *recommendation* would not have its proper influence on the different Legislatures; that he did not himself see what more could have been done on their behalf, except by renewing the war for their sakes, and increasing our and their calamities."—9 *Debrett's Parliamentary Register*, 233.

Mr. Wilberforce.—"When he considered the case of the loyalists, he confessed he felt himself there conquered; there he saw his country humiliated; he saw her at the feet of America! Still he was induced to believe, that Congress would religiously comply with the article, and that the loyalists would obtain redress from America. Should they not, this country was bound to afford it them. They must be compensated. Ministers, he was persuaded, meant to keep the faith of the nation with them, and he verily believed, had obtained the best terms they possibly could for them."—*Ib.* 236.

Mr. Secretary Townsend.—"He was ready to admit, that many of the loyalists had the strongest claims upon this country; and he trusted, should the *recommendation* of Congress to the American States prove unsuccessful, which he flattered himself would not be the case, this country would feel itself bound in honor to make them full compensation for their losses."—*Ib.* 262.

HOUSE OF LORDS.—*February* 17, 1783.

Lord Shelburne.—"A part must be wounded, that the whole of the empire may not perish. If better terms could be had, think you, my lords, that I would not have embraced them? You all know my creed. You all know my steadiness. If it were possible to put aside the bitter cup the adversities of this country presented to me, you know I would have done it; but you called for peace. I had 'but the alternative, either to accept the terms (said Congress) of our recommendation to the States in favor of the colonists, or continue the war. It is in our power to do *no more than recommend.*' Is there any man who hears me, who will clap his hand on his heart, and step forward and say, I ought to have broken off the treaty? If there be, I am sure he neither knows the state of the country, nor yet has he paid any attention to the wishes of it. But say the worst, and that, after all, this estimable set of men are not received and cherished in the bosom of their own country—is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum? Who can be so base as to think she will refuse it to them? Surely it cannot be that noble-minded man, who would plunge his country again knee deep in blood, and saddle it with an expense of twenty millions, for the purpose of restoring them. Without one drop of blood spilt, and without one-fifth of the expense of one year's campaign, happiness and ease can be given the loyalists in as ample a manner as these blessings were ever in their enjoyment; therefore, let the outcry cease on this head."—*Ib.* 70, 71.

Lord Hawke.—"In America," said he, "Congress had engaged to recommend their [the loyalists'] cause to the Legisla-

tures of the country. What other term could they adopt? He had searched the journals of Congress on this subject; what other term did they, or do they ever adopt in their requisitions to the different provinces? It is an undertaking on the part of Congress; that body, like the King here, is the executive power in America. Can the crown undertake for the two Houses of Parliament? It can only recommend. He flattered himself that recommendation would be attended with success; but, said he, state the case, that it will not, the liberality of Great Britain is still open to them. Ministers had pledged themselves to indemnify them; not only in the address now moved for, but even in the last address, and in the speech from the throne."

Lord Walsingham.—"We had only the *recommendation* of Congress to trust to, and how often had their recommendations been fruitless? There were many cases in point in which provincial assemblies had peremptorily refused the recommendations of Congress. It was but the other day the States refused money on the recommendations of Congress. Rhode Island unanimously refused, when the Congress desired to be authorized to lay a duty of five per cent. because the funds had failed. Many other circumstances might be produced of the failure of the recommendations of Congress, and therefore we ought not, in negotiating for the loyalists, to have trusted to the recommendations of Congress. Nothing but the *repeal* of the acts existing against them ought to have sufficed, as nothing else could give effect to the treaty; *repeal* was not mentioned. They had only stipulated to revise and reconsider them."—11 *Debrett's Parliamentary Reg.* 44.

Lord Sackville.—"The King's ministers had weakly imagined that the *recommendation* of Congress was a sufficient security for these unhappy men. For his own part, so far from believing that this would be sufficient, or anything like sufficient, for their protection, he was of a direct contrary opinion; and if they entertained any notions of this sort, he would put an end to their idle hopes at once, by reading from a paper in his pocket, a resolution, which the assembly of Virginia had come to, so late as

on the 17th of December last. The resolution was as follows: 'That all demands or requests of the British court for the restitution of property, confiscated by this State, being neither supported by law, equity, or policy, are wholly inadmissible; and that our delegates in Congress be instructed to move Congress that they may direct their deputies, who shall represent these States in the general Congress, for adjusting a peace or truce, neither to agree to any such restitution, or submit that the laws made by any independent State in this Union, be subjected to the adjudication of any power or powers on earth.'"—*Ib. pages* 62, 63.

Some of the speakers seem to have had not very accurate ideas of our government. All of them, however, have perfectly understood, that a *recommendation* was a matter, not of obligation or coercion, but of persuasion and influence, merely. They appear to have entertained greater or less degrees of hope or doubt, as to its effect on the Legislatures, and though willing to see the result of this chance, yet, if it failed, they were prepared to take the work of indemnification on themselves.

Sec. 8. The agreement then being only that Congress should *recommend* to the State Legislatures a restitution of estates, and liberty to remain a twelvemonth for the purpose of soliciting the restitution, and to recommend a revision of all acts regarding the premises, Congress did, immediately on the receipt of the definitive articles, to wit, on the 14th of January, 1784, come to the following resolution, viz: "Resolved unanimously, nine States being present, that it be, and it is hereby, earnestly recommended to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also, of the estates, rights, and properties, of persons resident in districts which were in the possession of his Britannic Majesty's arms, at any time between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve

months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and it is also hereby earnestly recommended to the several States, to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and it is hereby also earnestly recommended to the several States, that the estates, rights, and properties, of such last-mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid, on purchasing any of the said lands, rights or properties, since the confiscation.

"Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several States by the Secretary."

SEC. 9. The British negotiators had been told by ours, that all the States would refuse to comply with this recommendation; one only, however, refused altogether. The others complied in a greater or less degree, according to the circumstances and dispositions in which the events of the war had left them; but, had all of them refused, it would have been no violation of the 5th article, but an exercise of that freedom of will, which was reserved to them, and so understood by all parties.

The following are the acts of your catalogue which belong to this head, with such short observations as are necessary to explain them; beginning at that end of the Union, where, the war having raged most, we shall meet with the most repugnance to favor:

SEC. 10. *Georgia.*—1783, July 29. An act releasing certain persons from their bargains. A law had been passed during the war, to wit, in 1782, [A. 30.] confiscating the estates of persons therein named, and directing them to be sold; they were sold; but some misunderstanding happened to prevail among the purchasers, as to the mode of payment. This act of 1783, therefore, permits such persons to relinquish their bargains, and author-

izes a new sale; the lands remaining confiscated under the law made previous to the peace.

1785, Feb. 22. An act to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates. In the same law of confiscations made during the war, it had been provided that the estates confiscated should be subject to pay the debts of their former owner. This law of 1785, gave authority to the auditor to settle with, and pay the creditors, and to sell the remaining part of the estate confiscated as before.

1787, Feb. 10. An act to compel the settlement of public accounts, for inflicting penalties, and vesting the auditor with certain powers. This law also is founded on the same confiscation law of 1782, requiring the auditor to press the settlement with the creditors, &c.

1785, Feb. 7. An act for ascertaining the rights of aliens, and pointing out the mode for the admission of citizens. It first describes what persons shall be free to become citizens, and then declares none shall be capable of that character who had been named in any confiscation law, or banished, or had borne arms against them. This act does not prohibit either the refugees, or real British subjects, from coming into the State to pursue their lawful affairs. It only excludes the former from the right of citizenship, and it is to be observed, that this recommendatory article does not say a word about giving them a right to become citizens. If the conduct of Georgia should appear to have been peculiarly uncomplying, it must be remembered that that State had peculiarly suffered; that the British army had entirely overrun it; had held possession of it for some years; and that all the inhabitants had been obliged either to abandon their estates and fly their country, or to remain in it under a military government.

Sec. 11. *South Carolina.*—1783, August 15th. An act to vest 180 acres of land, late the property of James Holmes, in certain persons, in trust for the benefit of a public school. These lands had been confiscated and sold during the war. The present

law prescribes certain proceedings as to the purchasers, and provides for paying the debts of the former proprietors.

1786, March 22. An act to amend the confiscation act, and for other purposes therein mentioned. This relates only to estates which had been confiscated before the peace. It makes some provision towards a final settlement, and relieves a number of persons from the amercements which had been imposed on them during the war, for the part they had taken.

1784, March 26. An act restoring to certain persons their estates, and permitting the said persons to return, and for other purposes. This act recites, that certain estates had been confiscated, and the owners, 124 in number, banished by former laws; that Congress had earnestly recommended in the terms of the treaty—it therefore distributes them into three lists or classes, restoring to all of them the lands themselves, where they remained unsold, and the price, where sold, requiring from those in lists No. 1, and 3, to pay 12 per cent. on the value of what was restored, and No. 2, nothing; and it permits all of them to return, only disqualifying those of No. 1 and 3, who had borne military commissions against them, from holding any office for seven years.

Governor Moultrie's letter of June 21, 1786, informs us, that most of the confiscations had been restored; that the value of those not restored, was far less than that of the property of their citizens carried off by the British, and that fifteen, instead of twelve months, had been allowed to the persons for whom permission was recommended to come and solicit restitution.

Sec. 12. *North Carolina.*—1784, October. An act directing the sale of confiscated property.

1785, Dec. 29. An act to secure and quiet in their possessions, the purchasers of lands, goods, &c., sold, or to be sold by the commissioners of forfeited estates. These two acts relate expressly to property "heretofore confiscated," and secure purchasers under those former confiscations.

1790. The case of Bayard *v.* Singleton, adjudged in a court of judicature in North Carolina. Bayard was a purchaser of part

of an estate confiscated during the war, and the court adjudged his title valid; and it is difficult to conceive on what principle that adjudication can be complained of, as an infraction of the treaty.

1785, Nov. 19. An act was passed to restore a confiscated estate to the former proprietor, Edward Bridgen.

1784, Oct. An act to describe and ascertain such persons as owed allegiance to the State, and impose certain disqualifications on certain persons therein named.

1785, Nov. An act to amend the preceding act.

1788, April. An act of pardon and oblivion. The two first of these acts exercised the right of the State to describe who should be its citizens, and who should be disqualified from holding offices. The last, entitled An act of pardon and oblivion, I have not been able to see; but, so far as it pardons, it is a compliance with the recommendation of Congress under the treaty, and so far as it excepts persons out of the pardon, it is a refusal to comply with the recommendation, which it had a right to do. It does not appear that there has been any obstruction to the return of those persons who had claims to prosecute.

SEC. 13. *Virginia.*—The catalogue under examination, presents no act of this State subsequent to the treaty of peace, on the subject of confiscations. By one of October 18, 1784, they declared there should be no future confiscations. But they did not choose to comply with the recommendation of Congress, as to the restoration of property which had been already confiscated; with respect to persons, the first assembly which met after the peace, passed—

1783, October, The act prohibiting the migration of certain persons to this commonwealth, and for other purposes therein mentioned, which was afterwards amended by,

1786, October, An act to explain and amend the preceding. These acts, after declaring who shall not have a right to migrate to, or become citizens of, the State, have each an express proviso, that *nothing contained in them shall be so construed as to contravene the treaty of peace with Great Britain;* and a great num-

ber of the refugees having come into the State, under the protection of the first law, and it being understood that a party was forming in the State to ill-treat them, the Governor, July 26, 1784, published the proclamation, No. 14, enjoining all magistrates and other civil officers, to protect them, and secure to them the rights derived from the treaty, and acts of assembly aforesaid, and to bring to punishment all who should offend herein, in consequence of which, those persons remained quietly in the State; and many of them have remained to this day.

SEC. 14. *Maryland.*—1785, Nov. An act to vest certain powers in the Governor and council. Sec. 3;

1788. Nov. An act to empower the Governor and council to compound with the discoveries of British property and for other purposes. These acts relate purely to property which had been confiscated during the war; and the State not choosing to restore it, as recommended by Congress, passed them for bringing to a conclusion the settlement of all transactions relative to the confiscated property.

I do not find any law of this State, which could prohibit the free return of their refugees, or the reception of the subjects of Great Britain, or of any other country. And I find that they passed, in

1786, Nov. An act to repeal that part of the act for the security of their government, which disqualified non-jurors from holding offices, and voting at elections.

1790. The case of Harrison's representatives in the court of chancery of Maryland, is in the list of infractions. These representatives being British subjects, and the laws of this country, like those of England, not permitting aliens to hold lands, the question was, whether British subjects were aliens. They decided that they were; consequently, that they could not take lands; and consequently, also, that the lands in this case escheated to the State. Whereupon, the Legislature immediately interposed, and passed a special act, allowing the benefits of the succession to the representatives. But had they not relieved them, the case would not have come under the treaty; for there is no stipulation

in that doing away the laws of alienage, and enabling the members of each nation to inherit or hold lands in the other.

Sec. 15. *Delaware.*—This State, in the year 1778, passed an act of confiscation against forty-six citizens, by name, who had joined in arms against them, unless they should come in by a given day, and stand their trial. The estates of those who did not, were sold, and the whole business soon closed. They never passed any other act on the subject, either before or after the peace. There was no restitution, because there was nothing to restore, their debts having more than exhausted the proceeds of the sales of their property, as appears by Mr. Read's letter, and that all persons were permitted to return, and such as chose it, have remained there in quiet to this day.

Sec. 16. *Pennsylvania.*—The catalogue furnishes no transaction of this State subsequent to the arrival of the treaty of peace, on the subject of confiscation, except 1790, August. An order of the executive council to sell part of Harry Gordon's real estate, under the act of January 31, 1783. This person had been summoned by proclamation, by the name of Henry Gordon, to appear before the first day of November, 1781, and failing, his estate was seized by the commissioners of forfeitures, and most of it sold. The act of 1783, January 31, cured the misnomer, and directed what remained of his estate to be sold. The confiscation being complete, it was for them to say whether they would restore it, in compliance with the recommendation of Congress. They did not, and the executive completed the sale, as they were bound to do. All persons were permitted to return to this State, and you see many of them living here to this day in quiet and esteem.

Sec. 17. *New Jersey.*—The only act alleged against this State, as to the recommendatory article, is,

1783, December 23, An act to appropriate certain forfeited estates. This was the estate of John Zabriski, which had been forfeited during the war, and the act gives it to Major-General Baron Steuben, in reward for his services. The confiscation being complete, the Legislature were free to do this. Governor Livingston's

letter is an additional testimony of the moderation of this State, after the proclamation of peace, and from that we have a right to conclude, that no persons were prevented from returning and remaining indefinitely.

SEC. 18. *New York.*—This State had been among the first invaded; the greatest part of it had been possessed by the enemy through the war; it was the last evacuated; its inhabitants had in great numbers been driven off their farms; their property wasted, and themselves living in exile and penury, and reduced from affluence to want, it is not to be wondered at, if their sensations were among the most lively; accordingly, they, in the very first moment, gave a flat refusal to the recommendation, as to the restoration of property. See document No. 17, containing their reasons. They passed, however, 1784, May 12, the act to preserve the freedom and independence of this State, and for other purposes therein mentioned, in which, after disqualifying refugees from offices, they permit them to come, and remain as long as may be absolutely necessary to defend their estates.

SEC. 19. *Connecticut.*—A single act only on the same subject is alleged against this State, after the treaty of peace. This was

1790, An act directing certain confiscated estates to be sold. The title shows they were old confiscations, not new ones, and Governor Huntington's letter informs us, that all confiscations and prosecutions were stopped on the peace; that some restorations of property took place, and all persons were free to return.

SEC. 20. *Rhode Island.*—The titles of four acts of this State are cited in your Appendix, to wit:

1783, May 27, An act to send out of the State N. Spink and I. Underwood, who had formerly joined the enemy, and were returned to Rhode Island.

1783, June 8, An act to send William Young, theretofore banished out of the State, and forbidden to return at his peril.

1783, June 12, An act allowing William Brenton, late an absentee, to visit his family for one week, then sent away, not to return.

1783, October, An act to banish S. Knowles (whose estate had been forfeited), on pain of death if he return. Mr. Channing, the attorney of the United States for that district, says, in his letter, "he had sent me all the acts of that Legislature, that affect either the debts, or the persons of British subjects, or American refugees." The acts above cited are not among them. In the answer of April 6, which you were pleased to give to mine of March 30, desiring copies of these, among other papers, you say the book is no longer in your possession. These circumstances will, I hope, excuse my not answering or admitting these acts, and justify my proceeding to observe, that nothing is produced against this State on the subject, after the treaty; and the district attorney's letter, before cited, informs us, that their courts considered the treaty as paramount to the laws of the State, and decided accordingly, both as to persons and property, and that the estates of all British subjects, seized by the State, had been restored, and the rents and profits accounted for. Governor Collins' letter, No. 20, is a further evidence of the compliance of this State.

Sec. 21. *Massachusetts.* — 1784, March 24. This State passed an act for repealing two laws of this State, and for asserting the right of this free and sovereign commonwealth to expel such aliens as may be dangerous to the peace and good order of government, the effect of which was to reject the recommendation of Congress, as to the return of persons, but to restore to them such of their lands as were not confiscated, unless they were pledged for debt; and by—

1784, November 10, An act in addition to an act for repealing two laws of this State, they allowed them to redeem their lands pledged for debt, by paying the debt.

Sec. 22. *New Hampshire.*—Against New Hampshire nothing is alleged; that State having not been invaded at all, was not induced to exercise any acts of right against the subjects or adherents of their enemies.

The acts, then, which have been complained of as violations of the 5th article, were such as the States were free to pass, not-

withstanding the recommendation; such as it was well understood they would be free to pass without any imputation of infraction, and may therefore be put entirely out of question.

Sec. 23. And we may further observe, with respect to the same acts, that they have been considered as infractions not only of the 5th article, which recommended the restoration of the confiscations which *had taken place during the war*, but also of that part of the 6th article which forbade *future* confiscations. But not one of them touched an estate which had not been before confiscated; for you will observe, that an act of the Legislature, confiscating lands, stands in place of *an office found* in ordinary cases; and that, *on the passage of the act*, as *on the finding of the office*, the State stands, *ipso facto*, possessed of the lands, without a formal entry. The confiscation then is complete by the passage of the act. Both the title and possession being divested out of the former proprietor, and vested in the State, no subsequent proceedings relative to the lands are acts of confiscation, but are mere exercises of ownership, whether by levying profits, conveying for a time, by lease, or in perpetuo, by an absolute deed. I believe, therefore, it may be said with truth, that there was not a single confiscation made in any one of the United States, after notification of the treaty; and, consequently, it will not be necessary to notice again this part of the 6th article.

Sec. 24. Before quitting the recommendatory article, two passages in the letter are to be noted, which, applying to all the States in general, could not have been properly answered under any one of them in particular. In page 16 is the following passage: "The express provision in the treaty, for the restitution of the estates and properties of persons of both these descriptions [British subjects and Americans who had stayed within the British lines, but had not borne arms] certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship." Here seems to be a double error, first in supposing an express provision, whereas the words of the article, and the collateral

testimony adduced, have shown that the provision was neither *express*, nor meant to be so. And secondly, in inferring, from a restitution of the estate, a virtual acquiescence in the right of the party to reside where the estate is. Nothing is more frequent than for a sovereign to banish the person, and leave him possessed of his estate. The inference in the present case, too, is contradicted, as to the *refugees*, by the recommendation to permit their residence twelve months; and as to British subjects, by the silence of the article, and the improbability that the British plenipotentiary meant to stipulate a right for British subjects to emigrate and become members of another community.

Sec. 25. Again, in page 34, it is said, "The nation of Great Britain has been involved in the payment to them of no less a sum than four millions sterling, as a partial compensation for the losses they had sustained." It has been before proved, that Mr. Oswald understood perfectly, that no indemnification was claimable from us; that, on the contrary, we had a counter claim of indemnification to much larger amount. It has been supposed, and not without grounds, that the glimmering of hope, provided by the recommendatory article, was to quiet, for the present, the clamors of the sufferers, and to keep their weight out of the scale of opposition to the peace, trusting to time and events for an oblivion of these claims, or a gradual ripening of the public mind to meet and satisfy them at a moment of less embarrassment: the latter is the turn which the thing took. The claimants continued their importunities, and the Government determined at length to indemnify them for their losses; and, open-handedly as they went to work, it cost them less than to have settled with us the just account of mutual indemnification urged by our commissioners. It may be well doubted, whether there were not single States of our Union to which the four millions you have paid would have been no indemnification for the losses of property sustained contrary even to the laws of war; and what sum would have indemnified the whole thirteen, and, consequently, to what sum our whole losses of this description have amounted, would be difficult to say. However, though in nowise interested in

the sums you thought proper to give to the refugees, we could not be inattentive to the measure in which they were dealt out. Those who were on the spot, and who knew intimately the state of affairs with the individuals of this description, who knew that their debts often exceeded their possessions, insomuch that the most faithful administration made them pay but a few shillings in the pound, heard with wonder of the sums given, and could not but conclude, that those largesses were meant for something more than loss of property—that services and other circumstances must have had great influence. The sum paid is therefore no imputation on us. We have borne our own losses. We have even lessened yours, by numerous restitutions, where circumstances admitted them; and we have much the worst of the bargain by the alternative you choose to accept, of indemnifying your own sufferers, rather than ours.

Sec. 26. II. The article of debts is next in order; but to place on their true grounds our proceedings relative to them, it will be necessary to take a view of the British proceedings, which are the subject of complaint in my letter of December 15.

In the 7th article, it was stipulated, that his Britannic Majesty should withdraw his armies, garrisons, and fleets, without carrying away any negroes, or other property of the American inhabitants. This stipulation was known to the British commanding officers, before the 19th of March, 1783, as *provisionally* agreed; and on the 5th of April they received official notice from their court of the conclusion and ratification of the preliminary articles between France, Spain, and Great Britain, which gave activity to ours, as appears by the letter of Sir Guy Carleton to General Washington, dated April 6, 1783. Document No. 21. From this time, then, surely, no negroes could be carried away without a violation of the treaty. Yet we find that, so early as May 6, a *large* number of them had already been embarked for Nova Scotia, of which, as contrary to an express stipulation in the treaty, General Washington declared to him his sense and surprise. In the letter of Sir Guy Carleton of May 12 (annexed to mine to you of the 15th of December), he admits the fact; pal-

liates it by saying he had no right to deprive the negroes of that liberty he found them *possessed* of; that it was unfriendly to suppose that the King's minister could stipulate to be guilty of a notorious breach of the public faith towards the negroes; and that, *if it was his intention, it must be adjusted by compensation*, restoration being utterly impracticable, where inseparable from a breach of public faith. But surely, sir, an officer of the King is not to question the validity of the King's engagements, nor violate his solemn treaties, on his own scruples about the public faith. Under this pretext, however, General Carleton went on in daily infractions, embarking, from time to time, between his notice of the treaty and the 5th of April, and the evacuation of New York, November 25, 3,000 negroes, of whom our commissioners had inspection, and a very large number more, in public and private vessels, of whom they were not permitted to have inspection. Here, then, was a direct, unequivocal and avowed violation of this part of the 7th article, in the first moments of its being known; an article which had been of extreme solicitude on our part, on the fulfilment of which depended the means of paying debts, in proportion to the number of laborers withdrawn; and when, in the very act of violation, we warn, and put the commanding officer on his guard, he says, directly, he will go through with the act, and leave it to his court to adjust it by compensation.

SEC. 27. By the same article, his Britannic Majesty stipulates, that he will, *with all convenient speed*, withdraw his garrisons from *every* post within the United States. "When no precise term," says a writer on the Law of Nations [Vattel, l. 4. c. 26.], "has been marked for the accomplishment of a treaty, and for the execution of each of its articles, good sense determines that every point should be executed *as soon as possible.* This is, without doubt, what was understood."* The term in the treaty, *with all convenient speed*, amounts to the same thing, and clearly

* "Lors qu'on n'a point marqué de terme pour l'accomplissement du traité, et pour l'execution de chacun des articles, le bon sens dit que chaque point doit être executé *aussitôt qu'il est possible.* C'est sans doute ainsi qu'on l'a entendu."

excludes all unnecessary delay. The general pacification being signed on the 20th of January, some time would be requisite for the orders for evacuation to come over to America, for the removal of stores, property, and persons, and finally for the act of evacuation. The larger the post, the longer the time necessary to remove all its contents; the smaller, the sooner done. Hence, though General Carleton received his orders to evacuate New York in the month of April, the evacuation was not completed till late in November. It had been the principal place of arms and stores; the seat, as it were, of their general government, and the asylum of those who had fled to them. A great quantity of shipping was necessary, therefore, for the removal, and the General was obliged to call for a part from foreign countries. These causes of delay were duly respected on our part. But the posts of Michillimackinac,* Detroit, Niagara, Oswego, Oswegatchie, Point-au-Fer, Dutchman's Point, were not of this magnitude. The orders for evacuation, which reached General Carleton, in New York, early in April, might have gone, in one month more, to the most remote of these posts. Some of them might have been evacuated in a few days after, and the largest in a few weeks. Certainly they might all have been delivered, without any *inconvenient speed* in the operations, by the end of May, from the known facility furnished by the lakes, and the water connecting them; or by crossing immediately over into their own territory, and availing themselves of the season for making new establishments there, if that was intended. Or whatever time might, in event, have been necessary for their evacuation, certainly the order for it should have been given from England, and might have been given as early as that from New York. Was any order ever given? Would not an *unnecessary delay* of the order, producing an equal delay in the evacuation, be an infraction of the treaty? Let us investigate this matter.

On the 3d of August, 1783, Major-General Baron Steuben, by orders from General Washington, having repaired to Canada for this purpose, wrote the letter No. 22 to General Haldimand, Gov-

* Instead of this, Fort Erie was, by error, inserted in my letter of December 15.

ernor of the province, and received from him the answer of August 13, No. 23. Wherein he says, "The orders I have received, direct a discontinuance of every hostile measure *only*," &c. And in his conference with Baron Steuben, he says expressly, "That he *had not received any orders* for making the least arrangements for the evacuation of a single post." The orders, then, which might have been with him by the last of April, were unknown, if they existed, the middle of August. See Baron Steuben's letter, No. 24.

Again, on the 19th of March, 1784, Governor Clinton, of New York, within the limits of which State some of these posts are, writes to General Haldimand, the letter No 25; and that General, answering him, May 10, from Quebec, says, "Not having had the honor *to receive orders* and instructions relative to withdrawing the garrisons," &c.; fourteen months were now elapsed, and the *orders not yet received*, which might have been received in four.

Again, on the 12th of July, Colonel Hull, by order from General Knox, the Secretary of War, writes to General Haldimand, the letter No. 27; and General Haldimand gives the answer of the 13th, No. 28, wherein he says, "Though I am now informed, by his Majesty's ministers, of the ratification, &c., I remain, &c., *not having received any orders* to evacuate the posts which are without the limits," &c. And this is eighteen months after the signature of the general pacification! Now, is it not fair to conclude, if the order was not arrived on the 13th of August, 1783, if it was not arrived on the 10th of May, 1784, nor yet on the 13th of July, in the same year, that, in truth, the order had never been given? and if it had never been given, may we not conclude that it never had been intended to be given? From what moment is it we are to date this infraction? From that, at which, with convenient speed, the order to evacuate the upper posts might have been given. No legitimate reason can be assigned, why that order might not have been given as early, and at the same time, as the order to evacuate New York; and *all delay, after this, was in contravention of the treaty.*

SEC. 28. Was this delay merely innocent and unimportant to us, setting aside all considerations but of interest and safety? 1 It cut us off from the fur-trade, which before the war had been always of great importance as a branch of commerce, and as a source of remittance for the payment of our debts to Great Britain; for the injury of withholding our posts, they added the obstruction of all passage along the lakes and their communications. 2. It secluded us from connection with the northwestern Indians, from all opportunity of keeping up with them friendly and neighborly intercourse, brought on us consequently, from their known dispositions, constant and expensive war, in which numbers of men, women, and children, have been, and still are, daily falling victims to the scalping knife, and to which there will be no period, but in our possession of the posts which command their country.

It may safely be said, then, that the treaty was violated in England, before it was known in America, and in America, as soon as it was known, and that too, in points so essential, as that, without them, it would never have been concluded.

SEC. 29. And what was the effect of these infractions on the American mind? On the breach of any article of a treaty by the one party, the other has its election to declare it dissolved in all its articles, or to compensate itself by withholding execution of equivalent articles; or to waive notice of the breach altogether.

Congress being informed that the British commanding officer was carrying away the negroes from New York, in avowed violation of the treaty, and against the repeated remonstrances of General Washington, they take up the subject on the 26th of May, 1783; they declare that it is contrary to the treaty; direct that the proper papers be sent to their ministers plenipotentiary in Europe to remonstrate, and demand reparation, and that, in the meantime, General Washington continue his remonstrances to the British commanding officer, and insist on the discontinuance of the measure. See document No. 29.

SEC. 30. The State of Virginia, materially affected by this in-

fraction, because the laborers thus carried away were chiefly from thence, while heavy debts were now to be paid to the very nation which was depriving them of the means, took up the subject in December, 1783, that is to say, seven months after that particular infraction, and four months after the first refusal to deliver up the posts, and instead of arresting the debts absolutely, in reprisal for their negroes carried away, they passed [D. 5.] the act to revive and continue the several acts for suspending the issuing executions on certain judgments until December, 1783, that is to say, they revived, till their next meeting, two acts passed during the war, which suspended all *voluntary and fraudulent* assignments of debt, and as to *others*, allowed real and personal estate to be tendered in discharge of executions; the effect of which was to relieve the body of the debtor from prison, by authorizing him to deliver property in discharge of the debt. In June following, thirteen months after the violation last mentioned, and after a second refusal by the British commanding officer to deliver up the posts, they came to the resolution No. 30, reciting specially the infraction respecting their negroes, instructing their delegates in Congress to press for reparation; and resolving, that the courts shall be opened to British suits, as soon as *reparation shall be made*, or otherwise, *as soon as Congress shall judge it indispensably necessary*. And in 1787, they passed [C. 7.] the act to repeal so much of all and every act or acts of assembly, as prohibits the recovery of British debts; and, at the same time [E. 6.] the act to repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. The former was not to be in force till the evacuation of the posts, and reparation for the negroes carried away. The latter requires particular explanation. The small supplies of European goods, which reached us during the war, were frequently brought by captains of vessels and supercargoes, who, as soon as they had sold their goods, were to return to Europe with their vessels. To persons under such circumstances, it was necessary to give a summary remedy for the recovery of the proceeds of their sale.

This had been done by the law for the protection and encouragement of the commerce of nations acknowledging the independence of the United States, which was meant but as a temporary thing, to continue while the same circumstances continued. On the return of peace, the supplies of foreign goods were made, as before the war, by merchants resident here. There was no longer reason to continue to them the summary remedy, which had been provided for the transient vender of goods. And, indeed, it would have been unequal to have given the resident merchant instantaneous judgment against a farmer or tradesman, while the farmer or tradesman, could pursue those who owed him money but in the ordinary way, and with the ordinary delay. The British creditor had no such unequal privilege while we were under British government, and had no title to it, in justice, or by the treaty, after the war. When the Legislature proceeded, then, to repeal the law, as to other nations, it would have been extraordinary to have continued it for Great Britain.

Sec. 31. South Carolina was the second State which moved in consequence of the British infractions, urged thereto by the desolated condition in which their armies had left that country, by the debts they owed, and the almost entire destruction of the means of paying them. They passed [D. 7. 20.] 1784, March 26th, an ordinance respecting the recovery of debts, suspending the recovery of all actions, as well American as British, for nine months, and then allowing them to recover payment at four equal and annual instalments only, requiring the debtor in the meantime, to give good security for his debt, or otherwise refusing him the benefit of the act, by—

[D. 21.] 1787, March 28, An act to regulate the recovery and payment of debts, and prohibiting the importation of negroes, they extended the instalments, a year further in a very few cases. I have not been able to procure the two following acts [D. 14.] 1785, October 12th, An act for regulating sales under executions, and for other purposes therein mentioned; and

[D. 22.] 1788, Nov. 4, An act to regulate the payment and recovery of debts, and to prohibit the importation of negroes for

the time therein limited; and I know nothing of their effect, or their existence, but from your letter, which says, their effect was to deliver property in execution, in relief of the body of the debtor, and still further to postpone the instalments. If, during the existence of material infractions on the part of Great Britain, it were necessary to apologize for these modifications of the proceedings of the debtor, grounds might be found in the peculiar distresses of that State, and the liberality with which they had complied with the recommendatory articles, notwithstanding their sufferings might have inspired other dispositions, having pardoned everybody, received everybody, restored all confiscated lands not sold, and the prices of those sold.

SEC. 32. Rhode Island next acted on the British infractions, and imposed modifications in favor of such debtors as should be pursued by their creditors, permitting them to relieve their bodies from execution by the payment of paper money, or delivery of property. This was the effect of [D. 12.] 1786, March, An act to enable any debtor in jail, on execution at the suit of any creditor, to tender real, or certain specified articles of personal estate; and

[D. 16.] 1786, May, An act making paper money a legal tender. But observe, that this was not till *three years* after the infractions by Great Britain, and repeated and constant refusals of compliance on their part.

SEC. 33. New Jersey did the same thing, by—

[D. 13.] 1786, March 23, An act to direct the modes of proceedings on writs on *fieri facias*, and for transferring lands and chattels for payment of debts; and

[D. 18.] 1786, May 26, An act for striking, and making current £100,000 in bills of credit, to be let out on loan; and

[D. 17.] 1786, June 1, An act for making bills, emitted by the act for raising a revenue of £31,259 5*s.* per annum, for twenty-five years, a legal tender; and

SEC. 34. Georgia, by [D. 19.] 1786, August 14, An act for emitting the sum of £50,000 in bills of credit, and for establishing a fund for the redemption, and for other purposes therein mentioned, made paper money also a legal tender.

These are the only States which appear, by the acts cited in your letter, to have modified the recovery of debts. But I believe that North Carolina also emitted a sum of paper money, and made it a tender in discharge of executions; though, not having seen the act, I cannot affirm it with certainty. I have not mentioned, because I do not view the act of Maryland [D. 15.] 1786, Nov. c. 29, for the settlement of public accounts, &c., as a modification of the recovery of debts. It obliged the British subject, before he could recover what was due to him within the State, to give bond for the payment of what he owed therein. It is reasonable that every one, who asks justice, should do justice; and it is usual to consider the property of a foreigner, in any country, as a fund appropriated to the payment of what he owes in that country, exclusively. It is a care which most nations take of their own citizens, not to let the property, which is to answer their demands, be withdrawn from its jurisdiction, and send them to seek it in foreign countries, and before foreign tribunals.

Sec. 35. With respect to the obstacles thus opposed to the British creditor, besides their general justification, as being produced by the previous infractions on the part of Great Britain, each of them admits of a special apology. They are, 1st. Delay of judgment; 2d. Liberating the body from execution, on the delivery of property; 3d. Admitting executions to be discharged in paper money. As to the 1st, let it be considered, that, from the nature of the commerce carried on between these States and Great Britain, they were generally kept in debt; that a great part of the country, and most particularly Georgia, South Carolina, North Carolina, Virginia, New York, and Rhode Island, had been ravaged by an enemy, movable property carried off, houses burnt, lands abandoned, the proprietors forced off into exile and poverty. When the peace permitted them to return again to their lands, naked and desolate as they were, was instant payment practicable? The contrary was so palpable, that the British creditors themselves were sensible that, were they to rush to judgment immediately against their debtors, it would in-

volve the debtor in total ruin, without relieving the creditor. It is a fact, for which we may appeal to the knowledge of one member at least of the British administration of 1783, that the chairman of the North American merchants, conferring on behalf of those merchants with the American ministers then in London, was so sensible that time was necessary as well to save the creditor as debtor, that he declared there would not be a moment's hesitation, on the part of the creditors, to allow payment by instalments annually for seven years, and that this arrangement was not made, was neither his fault nor ours.

To the necessities for some delay in the payment of debts may be added the British commercial regulations, lessening our means of payment, by prohibiting us from carrying in our own bottoms our own produce to their dominions in our neighborhood, and excluding valuable branches of it from their home markets by prohibitory duties. The means of payment constitute one of the motives to purchase, at the moment of purchasing. If these means are taken away, by the creditor himself, he ought not in conscience to complain of a mere retardation of his debt, which is the effect of his own act, and the least injurious to those it is capable of producing. The instalment acts before enumerated have been much less general, and for a shorter term than what the chairman of the American merchants thought reasonable. Most of them required the debtor to give security, in the meantime, to his creditor, and provided complete indemnification of the delay by the payment of interest, which was enjoined in every case.

Sec. 36. The second species of obstacle was the admitting the debtor to relieve his body from imprisonment, by the delivery of lands or goods to his creditor. And is this idea original, and peculiar to us? or whence have we taken it? From England, from Europe, from natural right and reason. For it may be safely affirmed, that neither natural right nor reason subjects the body of a man to restraint for debt. It is one of the abuses introduced by commerce and credit, and which even the most commercial nations have been obliged to relax, in certain

cases. The Roman law, the principles of which are the nearest to natural reason of those of any municipal code hitherto known, allowed imprisonment of the body in criminal cases only, or those wherein the party had expressly submitted himself to it. The French laws allow it only in criminal or commercial cases. The laws of England, in certain descriptions of cases (as bankruptcy) release the body. Many of the United States do the same in all cases, on a cession of property by the debtor. The *levari facias*, an execution affording only the *profits of lands*, is the only one allowed in England, in certain cases. The *elegit*, another execution of that and this country, attaches first on a man's chattels, which are not to be sold, but to be *delivered to the plaintiff*, on a *reasonable appraisement*, in part of satisfaction for his debt, and if not sufficient, one half only of his lands are then to be delivered to the plaintiff, till the *profits* shall have satisfied him. The tender laws of these States were generally more favorable than the execution by *elegit*, because they not only gave, as that does, the whole property in chattels, but also *the whole property* in the lands, and not merely the *profits* of them. It is, therefore, an execution framed on the model of the English *elegit*, or rather an amendment of that writ, taking away, indeed, the election of the party against the *body* of his debtor, but giving him, in exchange for it, much more complete remedy against his *lands*. Let it be observed, too, that this proceeding was allowed against citizens, as well as foreigners; and it may be questioned, whether the treaty is not satisfied, while the same measure is dealt out to British subjects, as to foreigners of all other nations, and to natives themselves. For it would seem, that all a friend can expect, is to be treated as a native citizen.

Sec. 37. The third obstacle was the allowing paper money to be paid for goods sold under execution. The complaint on this head is only against Georgia, South Carolina, Jersey, and Rhode Island; and this obstruction, like the two others, sprung out of the peculiar nature of the war; for those will form very false conclusions, who reason, as to this war, from the circum-

stances which have attended other wars, and other nations. When any nation of Europe is attacked by another, it has neighbors, with whom its accustomary commerce goes on, without interruption; and its commerce with more distant nations is carried on by sea, in foreign bottoms, at least under protection of the laws of neutrality. The produce of its soil can be exchanged for money, as usual, and the stock of that medium of circulation is not at all diminished by war; so that property sells as readily and as well, for real money, at the close, as at the commencement of the war. But how different was our case: on the north and south, were our enemies; on the west, deserts inhabited by savages in league with them; on the east, an ocean of one thousand leagues, beyond which, indeed, were nations, who might have purchased the produce of our soil, and have given us real money in exchange, and thus kept up our stock of money, but who were deterred from coming to us by threats of war on the part of our enemies, if they should presume to consider us as a people, entitled to partake the benefit of that law of war, which allows commerce with neutral nations. What were the consequences? The stock of hard money, which we possessed in an ample degree, at the beginning of the war, soon flowed into Europe for supplies of arms, ammunition, and other necessaries, which we were not in the habit of manufacturing for ourselves. The produce of our soil, attempted to be carried in our own bottoms to Europe, fell, two-thirds of it, into the hands of our enemies, who were masters of the sea; the other third illy sufficed to procure the necessary implements of war; so that no returns of money supplied the place of that which had gone off. We were reduced, then, to the resource of a paper medium, and that completed the exile of the hard money; so that, in the latter stages of the war, we were, for years together, without seeing a single coin of the precious metals in circulation. It was closed with a stipulation that we should pay a large mass of debt, in such coin. If the whole soil of the United States had been offered for sale for ready coin, it would not have raised as much as would have satisfied this stipulation. The thing, then,

was impossible, and reason and authority declare, "Si l'empêchement est reel, il faut donner du tems; car nul n'est tenu a l'impossible."* Vattel, l. 4, s. 51. We should, with confidence, have referred the case to the arbiter proposed by another jurist, who lays it down that a party, "Non ultra obligari, quam in quantum facere potest; et an possit, permittendum alterius principis, quo boni viri arbitrio."† Bynk. Q. J. P. l. 2, c. 10. That four of the States should resort, under such circumstances, to very small emissions of paper money, is not wonderful; that all did not, proves their firmness under sufferance, and that they were disposed to bear whatever could be borne, rather than contravene, even by way of equivalent, stipulations which had been authoritatively entered into for them. And even in the four States, which emitted paper money, it was in such small sums, and so secured, as to suffer only a short-lived, and not great depreciation of value; nor did they continue its quality as a tender, after the first paroxysms of distress were over. Here, too, it is to be observed, that natives were to receive this species of payment, equally with British subjects.

So that, when it is considered, that the other party had broken the treaty, from the beginning, and that, too, in points which lessened our ability to pay their debts, it was a proof of the moderation of our nation, to make no other use of the opportunity of retaliation presented to them, than to indulge the debtors with that time for discharging their debts, which their distresses called for, and the interests and the reason of their creditors approved.

Sec. 38. It is to be observed, that, during all this time, Congress, who alone possessed the power of peace and war, of making treaties, and, consequently, of declaring their infractions, had abstained from every public declaration, and had confined itself to the resolution of May 26th, 1783, and to repeated efforts, through their minister plenipotentiary at the court of London, to

* "If the obstacle be real, time must be given, for no one is bound to an impossibility." Vattel l. 4, s. 51.

† "No one is bound beyond what he can do, and whether he can, may be left to the decision of the other prince, as an honest man." Bynk. Q. J. P. l. 2, c. 10.

lead that court into a compliance on their part, and reparation of the breach they had committed. But the other party now laid hold of those very proceedings of our States, which their previous infractions had produced, as a ground for further refusal; and inverting the natural order of cause and effect, alleged that these proceedings of ours were the causes of the infractions, which they had committed months and years before. Thus the British minister for foreign affairs, in his answer of February 28th, 1786, to Mr. Adams' memorial, says, "The engagements entered into by treaty ought to be mutual, and equally binding on the respective contracting parties. It would, therefore, be the height of folly, as well as injustice, to suppose one party alone obliged to a strict observance of the public faith, while the other might remain free to deviate from its own engagements, as often as convenience might render such deviation necessary, though at the expense of its own national credit and importance; I flatter myself, however, Sir, that justice will speedily be done to British creditors; and I can assure you, Sir, that whenever America shall manifest a real intention to fulfil her part of the treaty, Great Britain will not hesitate to prove her sincerity to co-operate in whatever points depend upon her, for carrying every article of it into real and complete effect." Facts will furnish the best commentary on this letter. Let us pursue them.

The Secretary for Foreign Affairs of the United States, by order of Congress, immediately wrote circular letters to the Governors of the several States, dated May 3, 1786, No. 31, to obtain information how far they had complied with the proclamation of January 14th, 1784, and the recommendation accompanying it; and April 13, 1787, Congress, desirous of removing every pretext which might continue to cloak the inexecution of the treaty, wrote a circular letter to the several States, in which, in order to produce more surely the effect desired, they demonstrate that Congress alone possess the right of interpreting, restraining, impeding, or counteracting the operation and execution of treaties, which, on being constitutionally made, become, by the confederation, a part of the law of the land, and, as such, independent

of the will and power of the Legislatures; that, in this point of view, the State acts, establishing provisions relative to the same objects, and incompatible with it, must be improper; resolving that all such acts now existing ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of the treaty, as to avoid the disagreeable necessity of discussing their validity; recommending, in order to obviate all future disputes and questions, that every State, as well those which had passed no such acts as those which had, should pass an act, repealing, in general terms, all acts and parts of acts repugnant to the treaty; and encouraging them to do this, by informing them that they had the strongest assurances that an exact compliance with the treaty on our part, would be followed by a punctual performance of it on the part of Great Britain.

SEC. 39. In consequence of these letters, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, and North Carolina, passed the acts Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40. New Jersey and Pennsylvania declared that no law existed with them repugnant to the treaty—see documents Nos. 41, 42, 43. Georgia had no law existing against the treaty. South Carolina, indeed, had a law existing, which subjected all persons, foreign or native, No. 44, to certain modifications of recovery and payment. But the liberality of her conduct on the other points is a proof she would have conformed in this also, had it appeared that the fullest conformity would have moved Great Britain to compliance, and had an express repeal been really necessary.

SEC. 40. For indeed all this was supererogation. It resulted from the instrument of confederation among the States, that treaties made by Congress, according to the confederation, were superior to the laws of the States. The circular letter of Congress had declared and demonstrated it, and the several States, by their acts and explanations before mentioned, had shown it to be their own sense, as we may safely affirm it to have been the general sense of those, at least, who were of the profession of the law. Besides the proof of this, drawn from the act of con-

federation itself, the declaration of Congress, and the acts of the States before mentioned, the same principle will be found acknowledged in several of the documents hereto annexed for other purposes. Thus, in Rhode Island, Governor Collins, in his letter, No. 20, says, "The treaty, in all *its absolute parts*, has been fully complied with, and to those parts that are merely *recommendatory* and *depend upon the legislative discretion*, the most candid attention hath been paid." Plainly implying that the *absolute parts* did not *depend upon the legislative discretion.* Mr. Channing, the attorney for the United States in that State, No. 19, speaking of an act passed before the treaty, says, "This act was considered by our courts as *annulled by the treaty of peace*, and subsequent to the ratification thereof no proceedings have been had thereon." The Governor of Connecticut, in his letter, No 18, says, "The sixth article of the treaty was immediately observed on receiving the same with the proclamation of Congress; the courts of justice adopted it *as a principle of law.* No further prosecutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued." Thus, prosecutions going on, under the law of the State, were discontinued, by the treaty operating as a repeal of the law. In Pennsylvania, Mr. Lewis, attorney for the United States, says, in his letter, No. 60, "The judges have, uniformly and without hesitation, declared in favor of the treaty, on the ground of its being the supreme law of the land. On this ground, they have not only discharged attainted traitors from arrest, but have frequently declared that they were entitled by the treaty to protection." The case of the Commonwealth *vs.* Gordon, January, 1788, Dallas' Reports, 233, is a proof of this. In Maryland, in the case of Mildred *vs.* Dorsey, cited in your letter [E. 4.] a law of the State, made during the war, had compelled those who owed debts to British subjects to pay them into the treasury of that State. This had been done by Dorsey, before the date of the treaty; yet the judges of the *State* general court decided that the treaty not only repealed the law for the future, but for the past also, and decreed that the defendant should

pay the money over again to the British creditor. In Virginia, Mr. Monroe, one of the Senators of that State in Congress, and a lawyer of eminence, tells us, No. 52, that both court and counsel there avowed the opinion, that the treaty would control any law of the State opposed to it. And the Legislature itself, in an act of October, 1787, c. 36, concerning moneys carried into the public loan office, in payment of British debts, use these expressions: "And whereas it belongs not to the Legislature to decide particular questions, of which the judiciary have cognizance, and it is, therefore, unfit for them to determine whether the payments so made into the loan office be good or void between the creditor and debtor." In New York, Mr. Harrison, attorney for the United States in that district, assures us, No. 45, that the act of 1782, of that State, relative to the debts due to persons within the enemy's line, was, immediately after the treaty, restrained *by the superior courts of the State* from operating on British creditors, and that he did not know a single instance to the contrary —a full proof that they considered the treaty as a law of the land, paramount to the law of their State.

Sec. 41. The very case of Rutgers, *vs.* Waddington, [E. 8.] which is a subject of complaint in your letter, is a proof that the courts consider the treaty as paramount to the laws of the States. Some parts of your information, as to that case, have been inexact. The State of New York had, during the war, passed an act [C. 16.] declaring that, in any action by the proprietor of a house or tenement against the occupant, for rent or damage, no military order should be a justification; and, May 4, 1784, after the refusal of the British to deliver up the posts in the State of New York, that Legislature revived the same act. [C. 19.] Waddington, a British subject, had occupied a brew-house in New York, belonging to Rutgers, an American, while the British were in possession of New York. During a part of the time he had only permission from the quartermaster general; for another part he had an order of the commanding officer to authorize his possession. After the evacuation of the city, Rutgers, under the authority of this law of the State, brought an action against

Waddington for rent and damages, in the Mayor's court of New York. Waddington pleaded the treaty, and the court declared the treaty a justification, in opposition to the law of the State, for that portion of the time authorized by the commanding officer, his authority being competent, and gave judgment for that part in favor of the defendant; but, for the time he held the house under permission of the quartermaster general only, they gave judgment against the defendant, considering the permission of that officer incompetent, according to the regulations of the existing powers. From this part of the judgment the defendant appealed. The first part, however, was an unequivocal decision of the superior authority of the treaty over the law. The latter part could only have been founded in an opinion of the sense of the treaty in that part of the 6th article which declares, "There shall be no future prosecutions against any persons for the part he may have taken in the war, and that no person should, on that account, suffer any future loss or damage in their property," &c. They must have understood this as only protecting actions which were conformable with the laws and authority existing at the time and place. The tenure of the defendant under the quartermaster general was not so conformable. That under the commanding officer was. Some may think that murders, and other crimes and offences, characterized as such by the authority of the time and place where committed, were meant to be protected by this paragraph of the treaty; and, perhaps, for peace sake, this construction may be the most convenient. The Mayor's court, however, seems to have revolted at it. The defendant appealed, and the question would have been authoritatively decided by the superior court, had not an amicable compromise taken place between the parties. See Mr. Hamilton's statement of this case, No. 46.

Sec. 42. The same kind of doubt brought on the arrest of John Smith Hatfield in New Jersey, whose case [E. 9.] is another ground of complaint in your letter. A refugee, sent out by the British as a spy, was taken within the American lines, regularly tried by a court martial, found guilty, and executed. There was

one Ball, an inhabitant of the American part of Jersey, who, contrary to the laws of his country, was in the habit of secretly supplying the British camp in Staten Island with provisions. The first time Ball went over, after the execution of the spy, of which it does not appear he had any knowledge, and certainly no agency in his prosecution, John Smith Hatfield, a refugee also from Jersey, and some others of the same description, seized him, against the express orders of the British commanding officer, brought him out of the British lines, and Hatfield hung him with his own hands. The British officer sent a message to the Americans, disavowing this act, declaring that the British had nothing to do with it, and that those who had perpetrated the crime ought alone to suffer for it. The right to punish the guilty individual seems to have been yielded by the one party, and accepted by the other, in exchange for that of retaliation on an innocent person; an exchange which humanity would wish to see habitual. The criminal came afterwards into the very neighborhood, a member of which he had murdered. Peace, indeed, had now been made; but the magistrate, thinking probably, that it was for the honest soldier and citizen only, and not for the murderer, and supposing, with the mayor's court of New York, that the paragraph of the treaty against future persecutions meant to cover authorized acts only, and not murders and other atrocities, disavowed by the existing authority, arrested Hatfield. At the court which met for his trial, the witnesses failed to attend. The court released the criminal from confinement, on his giving the security required by law for his appearance at another court. He fled; and you say that, "as his friends doubted the disposition of the court to determine according to the terms of the treaty, they thought it more prudent to suffer the forfeiture of the recognizances, than to put his life again into jeopardy." But your information in this, Sir, has not been exact. The recognizances are not forfeited. His friends, confident in the opinion of their counsel, and the integrity of the judges, have determined to plead the treaty, and not even give themselves the trouble of asking a release from the Legislature; and the case is now depend-

ing. See the letter of Mr. Boudinot, member of Congress for Jersey, No. 47.

SEC. 43. In Georgia, Judge Walton, in a charge to a grand jury, says, "The State of Rhode Island having acceded to the Federal Constitution, the Union and Government have become complete. To comprehend the extent of the General Government, and to discern the relation between that and those of the States, will be equally our interest and duty. The Constitution, laws, and *treaties* of the Union are *paramount*." And in the same State, in their last federal circuit court, we learn from the public papers, that, in a case wherein the plaintiffs were Brailsford and others, British subjects, whose debts had been sequestered (not confiscated) by an act of the State during the war, the judges declared the treaty of peace a repeal of the act of the State, and gave judgment for the plaintiffs.

SEC. 44. The integrity of those opinions and proceedings of the several courts should have shielded them from the insinuations hazarded against them. In pages 9 and 10, it is said, "That during the war, the Legislatures passed laws to confiscate the estates of the loyalists, to enable debtors to pay into the State treasuries paper money, then exceedingly depreciated, in discharge of their debts." And page 24, "The dispensations of law *by the State courts* have been as unpropitious to the subjects of the crown, as the legislative acts of the different assemblies." Let us compare, if you please, Sir, these unpropitious opinions of our State courts with those of foreign lawyers' writing on the same subject. * "Quod dixi de actionibus recto publicandis ita demum obtinet; si quod subditi nostri hostibus nostris debent, princeps a subditis suis revera exegerit. Si exegerit, recte solu-

* "What I have said of things in action being rightly confiscated hold thus: If the prince really exacts from his subjects what they owed to our enemies, if he shall have exacted it, it is rightfully paid, if he shall not have exacted it, peace being made, the former right of the creditor revives; accordingly, it is for the most part agreed among nations, that things in action being confiscated in war, the peace being made, those which were paid are deemed to have perished and remain extinct; but those not paid, revive, and are restored to their true creditors."—Bynk. Q. J. P. l. 1, c. 7.

tum est, si non exegerit, pace facta, reviviscit jus pristinum creditoris; secundum, hæc inter gentes fere convenit, ut nominibus bello publicatis, pace deinde factâ, exacta censeantur periisse, et maneant extincta; non autem exacta reviviscant et restiuantur veris creditoribus." Bynk. Q. J. P. l. 1, c. 7. But what said the judges of the State court of Maryland in the case of Mildred and Dorsey? That a debt forced from an American debtor into the treasury of his sovereign, is not extinct, but shall be paid over again to his British creditor. Which is most propitious, the unbiassed foreign jurist, or the American judge, charged with dispensing justice with favor and partiality? But from this, you say, there is an appeal. Is that the fault of the judge, or the fault of anybody? Is there a country on earth, or ought there to be one, allowing no appeal from the first errors of their courts? and if allowed from errors, how will those from just judgments be prevented? In England, as in other countries, an appeal is admitted to the party thinking himself injured; and here, had the judgment been against the British creditor, and an appeal denied, there would have been better cause of complaint than for not having denied it to his adversary. If an *illegal* judgment be ultimately rendered on the appeal, then will arise the right to question its propriety.

Sec. 45. Again it is said, page 34, "In one State the *supreme federal court* has thought proper to suspend for many months the final judgment on an action of debt, brought by a British creditor." If by *the supreme federal court* be meant *the supreme court of the United States*, I have had their records examined, in order to know what may be the case here alluded to; and I am authorized to say, there neither does, nor ever did exist any cause before that court, between a British subject and a citizen of the United States. See the certificate of the clerk of the court, No. 48. If by *the supreme federal court* be meant *one of the circuit courts of the United States*, then which circuit, in which State, and what case is meant? In the course of inquiries I have been obliged to make, to find whether there exists any case, in any district of any circuit court of the United States, which

might have given rise to this complaint, I have learnt, that an action was brought to issue, and argued in the circuit court of the United States, in Virginia, at their last term, between Jones, a British subject, plaintiff, and Walker, an American, defendant; wherein the question was the same as in the case of Mildred and Dorsey, to wit; Whether a payment into the treasury, during the war, under a law of the State, discharged the debtor? One of the judges retiring from court, in the midst of the argument, on the accident of the death of an only son, and the case being *primæ impressionis* in that court, it was adjourned, for consideration, till the ensuing term. Had the two remaining judges felt no motive but of predilection to one of the parties; had they considered only to which party their wishes were propitious or unpropitious; they possibly might have decided that question on the spot. But, learned enough in their science to see difficulties which escape others, and having characters and consciences to satisfy, they followed the example so habitually and so laudably set by the courts of your country, and of every country, where law, and not favor, is the rule of decision, of taking time to consider. Time and consideration are favorable to the right cause, precipitation to the wrong one.

Sec. 46. You say again, p. 29, "The few attempts to recover British debts, in the courts of Virginia, have *universally* failed, and these are the courts wherein, from the smallness of the sum, a considerable number of debts can only be recovered." Again, p. 34, "In the same State, county courts (which alone can take cognizance of debts of limited amount) have *uniformly rejected* all suits instituted for the recovery of sums due to the subjects of the crown of Great Britain." In the first place, the county courts, till of late, have had exclusive jurisdiction only of sums below 10*l.*, and it is known, that a very inconsiderable proportion of the British debt consists in demands below that sum. A late law, we are told, requires, that actions below 30*l.* shall be commenced in those courts; but allows, at the same time, an appeal to correct any errors into which they may fall. In the second place, the evidence of gentlemen who are in the way of knowing the fact,

No. 52, 53, is, that though there have been accidental checks in some of the subordinate courts, arising from the chicanery of the debtors, and sometimes, perhaps, a moment of error in the court itself, yet these particular instances have been immediately rectified, either in the same or the superior court, while the great mass of suits for the recovery of sums due to the subjects of the crown of Great Britain, have been uniformly sustained to judgment and execution.

SEC. 47. A much broader assertion is hazarded, page 29. "In some of the Southern States, there does not exist a single instance of the recovery of British debt in their courts, though many years have expired since the establishment of peace between the two countries." The particular States are not specified. I have therefore thought it my duty to extend my inquiries to all the States which could be designated under the description of Southern, to wit: Maryland, and those to the south of that.

As to Maryland, the joint certificate of the senators and delegates of the State in Congress, the letter of Mr. Tilghman, a gentleman of the law in the same State, and that of Mr. Gwinn, clerk of their general court, prove that British suits have been maintained in the superior and inferior courts throughout the State without any obstruction; that British claimants have, in every instance, enjoyed every facility in the tribunals of justice equally with their own citizens; and have recovered in due course of law, and remitted large debts, as well under contracts previous, as subsequent to the war.

In Virginia, the letters of Mr. Monroe and Mr. Giles, members of Congress from that State, and lawyers of eminence in it, prove that the courts of law in that State have been open and freely resorted to by the British creditors, who have recovered and levied their moneys without obstruction; for we have no right to consider as obstructions the dilatory pleas of here and there a debtor, distressed perhaps for time, or even an accidental error of opinion in a subordinate court, when such pleas have been overruled, and such errors corrected in a due course of proceeding marked out by the laws in such cases. The general fact suffices to show

that the assertion under examination cannot be applied to this State.

In North Carolina, Mr. Johnston, one of the senators of that State, tells us he has heard indeed but of few suits brought by British creditors in that State; but that he never heard that any one had failed of a recovery because he was a British subject; and he names a particular case, of Elmesly *v.* Lee's executors, "of the recovery of a British debt in the superior court at Edenton." See Mr. Johnston's letter, No. 54.

In South Carolina, we learn, from No. 55, of particular judgments rendered, and prosecutions carried on, without obstacle, by British creditors, and that the courts are open to them there as elsewhere. As to the modifications of the execution heretofore made by the State law having been the same for foreigner and citizen, a court would decide whether the treaty is satisfied by this equal measure; and if the British creditor is privileged by that against even the same modifications to which citizens and foreigners of all other nations were equally subjected, then the law imposing them was a mere nullity.

In Georgia, the letter of the senators and representatives in Congress, No. 56, assures us that, though they do not know of any recovery of a British debt, in their State, neither do they know of a denial to recover since the ratification of the treaty, the creditors having mostly preferred amicable settlement; and that the federal court is as open and unobstructed to British creditors there, as in any other of the United States; and this is further proved by the late recovery of Brailsford and others, before cited.

Sec. 48. You say more particularly of that State, page 25, "It is to be lamented, that, in a more distant State, (Georgia) it was a received principle, inculcated by an opinion of the highest judicial authority there, that as no Legislative act of the State ever existed, confirming the treaty of peace with Great Britain, war still continued between the two countries—*a principle which may perhaps still continue in that State.*" No judge, no case, no time, is named. Imputations on the judiciary of a country are too

serious to be neglected. I have thought it my duty, therefore, to spare no endeavors to find on what fact this censure was meant to be affixed. I have found that Judge Walton of Georgia, in the summer of 1783, the definitive treaty not yet signed in Europe, much less known and ratified here, set aside a writ in the case of Thompson, (a British subject) *v.* Thompson, assigning for reasons, 1st. "That there was no law authorizing a subject of England to sue a citizen of that State; 2d. That the war had not been *definitively* concluded; or 3d. If concluded, the treaty not *known to, or ratified by*, the Legislature; nor 4th, Was it in any manner ascertained how those debts were to be liquidated." With respect to the last reason, it was generally expected that some more specific arrangements, as to the manner of liquidating and times of paying British debts would have been settled in the definitive treaty. No. 58 shows, that such arrangements were under contemplation. And the judge seems to have been of opinion that it was necessary the treaty should be *definitively* concluded, before it could become a law of the land, so as to change the legal character of an *alien enemy*, who cannot maintain an action, into that of an *alien friend*, who may. Without entering into the question, whether, between the provisional and definitive treaties, a subject of either party could maintain an action in the courts of the other (a question of no consequence, considering how short the interval was, and this, probably the only action essayed), we must admit that, if the judge was right in his opinion, that a *definitive* conclusion was necessary, he was right in his consequence that it should be *made known* to the Legislature of the State, or, in other words, to the State; and that, till that *notification*, it was not a law authorizing a subject of England to sue a citizen of that State. The subsequent doctrine of the same judge, Walton, with respect to the treaties, *when duly completed*, that they are paramount to the laws of the several States, as has been seen in this charge to a grand jury, before spoken of, (Sec. 43,) will relieve your doubts whether the "principle still continues in that State, of the *continuance of war between the two countries.*"

Sec. 49. The latter part of the quotation before made, merits notice also, to wit, where, after saying not a single instance exists of the recovery of a British debt, it is added, "though many years have expired since the establishment of peace between the two countries." It is evident from the preceding testimony, that many suits have been brought, and with effect; yet it has often been matter of surprise that more were not brought, and earlier, since it is most certain that the courts would have sustained their actions and given them judgments. This abstinence on the part of the creditors has excited a suspicion that they wished rather to recur to the treasury of their own country; and to have color for this, they would have it believed that there were obstructions here to bringing their suits. Their testimony is in fact the sole, to which your court till now, has given access. Had the opportunity now presented been given us sooner, they should sooner have known that the courts of the United States, whenever the creditors would choose that recourse, and would press, if necessary, to the highest tribunals, would be found as open to their suits, and as impartial to their subjects, as theirs to ours.

Sec. 50. There is an expression in your letter, page 7, that "British creditors have not been countenanced or supported, either by the respective Legislatures, or by the State courts, in their endeavors to recover the full value of debts contracted antecedently to the treaty of peace." And again, in p. 8, "In many of the States, the subjects of the crown in endeavoring to obtain the restitution of their forfeited estates and property, have been treated with indignity." From which an inference might be drawn, which I am sure you did not intend, to wit: that the creditors have been deterred from resorting to the courts by popular tumults, and not protected by the laws of the country. I recollect to have heard of one or two attempts, by popular collections, to deter the prosecution of British claims. One of these is mentioned in No 49. But these were immediately on the close of the war, while its passions had not yet had time to subside, and while the ashes of our houses were still smoking. Sincethat, say for many years past, nothing like popular interposition, on

this subject, has been heard of in any part of our land. There is no country, which is not sometimes subject to irregular interpositions of the People. There is no country able, at all times, to punish them. There is no country which has less of this to reproach itself with, than the United States, nor any, where the laws have more regular course, or are more habitually and cheerfully acquiesced in. Confident that your own observation and information will have satisfied you of this truth, I rely that the inference was not intended, which seems to result from these expressions.

Sec. 51. Some notice is to be taken, as to the great deficiencies in collection urged on behalf of the British merchants. The course of our commerce with Great Britain was ever for the merchant there to give his correspondent here a year's credit; so that we were regularly indebted from a year to a year and a half's amount of our exports. It is the opinion of judicious merchants, that it never exceeded the latter term, and that it did not exceed the former at the commencement of the war. Let the holders then of this debt be classed into, 1st. Those who were insolvent at that time. 2d. Those solvent then, who became insolvent during the operations of the war—a numerous class. 3d. Those solvent at the close of the war, but insolvent now. 4th. Those solvent at the close of the war, who have since paid or settled satisfactorily with their creditors—a numerous class also. 5th. Those solvent then and now, who have neither paid, nor made satisfactory arrangements with their creditors. This last class, the only one now in question, is little numerous, and the amount of their debts but a moderate proportion of the aggregate which was due at the commencement of the war; insomuch, that it is the opinion, that we do not owe to Great Britain, at this moment, of separate debts, old and new, more than a year, or a year and a quarter's exports, the ordinary amount of the debt resulting from the common course of dealings.

Sec. 52. In drawing a comparison between the proceedings of Great Britain and the United States, you say, page 35, "The conduct of Great Britain, in all these respects, has been widely

different from that which has been observed by the United States. In the courts of law of the former country, the citizens of the United States have experienced, *without exception*, the same protection and *impartial* distribution of justice, as the subjects of the crown." No nation can answer for perfect exactitude of proceedings in all their inferior courts. It suffices to provide a supreme judicature, where all error and partiality will be ultimately corrected. With this qualification, we have heretofore been in the habit of considering the administration of justice in Great Britain as extremely pure. With the same qualification, we have no fear to risk everything which a nation holds dear, on the assertion, that the administration of justice here will be found equally pure. When the citizens of either party complain of the judiciary proceedings of the other, they naturally present but one side of the case to view, and are, therefore, to be listened to with caution. Numerous condemnations have taken place in your courts of vessels taken from us after the expirations of the terms of one and two months stipulated in the armistice. The State of Maryland has been making ineffectual efforts, for nine years, to recover a sum of £55,000 sterling, lodged in the bank of England previous to the war. A judge of the King's bench lately declared, in the case of Greene, an American citizen, *v.* Buchanan and Charnock, British subjects, that a citizen of the United States, who had delivered £43,000 sterling worth of East India goods to a British subject at Ostend, receiving only £18,000 in part payment, is not entitled to maintain an action for the balance in a court of Great Britain, though his debtor is found there, is in custody of the court, and acknowledges the fact. These cases appear strong to us. If your judges have done wrong in them, we expect redress. If right, we expect explanations. Some of them have already been laid before your court. The others will be so in due time. These, and such as these, are the smaller matters between the two nations, which, in my letter of December 15th, I had the honor to intimate, that it would be better to refer for settlement through the ordinary channel of our ministers, than embarrass the present important

discussions with them. Such cases will be constantly produced by a collision of interests in the dealings of individuals, and will be easily adjusted by a readiness to do right on both sides, regardless of party.

Sec. 53. III. It is made an objection to the proceedings of our legislative and judiciary bodies, that they have refused to allow interest to run on debts during the course of the war. The decision of the right to this rests with the judiciary alone, neither the Legislative nor the Executive having any authority to intermeddle.

The administration of justice is a branch of the sovereignty over a country, and belongs exclusively to the nation inhabiting it. No foreign power can pretend to participate in their jurisdiction, or that their citizens received there are not subject to it. When a cause has been adjudged according to the rules and forms of the country, its justice ought to be presumed. Even error in the highest court which has been provided as the last means of correcting the errors of others, and whose decrees are, therefore, subject to no further revisal, is one of those inconveniences flowing from the imperfection of our faculties, to which every society must submit; because there must be somewhere a last resort, wherein contestations may end. Multiply bodies of revisal as you please, their number must still be finite, and they must finish in the hands of fallible men as judges. If the error be evident, palpable, *et in re minime dubiâ, it then, indeed, assumes another form; it excites presumption that it was not mere error, but premeditated wrong; and the foreigner, as well as native, suffering by the wrong, may reasonably complain, as for a wrong committed in any other way. In such case, there being no redress in the ordinary forms of the country, a foreign prince may listen to complaint from his subjects injured by the adjudication, may inquire into its principles to prove their criminality, and, according to the magnitude of the wrong, take his measures of redress by reprisal, or by a refusal of right on his part. If the denial of interest, in our case, be justified by law, or even if it be against

* In a matter susceptible of no doubt.

law, but not in that gross, evident, and palpable degree, which proves it to flow from the wickedness of the heart, and not error of the head in the judges, then is it no cause for just complaint, much less for a refusal of right, or self-redress in any other way. The reasons on which the denial of interest is grounded shall be stated summarily, yet sufficiently to justify the integrity of the judge, and even to produce a presumption that they might be extended to that of his science also, were that material to the present object.

Sec. 54. The treaty is the text of the law in the present case, and its words are, that there shall be no lawful impediment to the recovery of bona fide *debts*. Nothing is said of *interest* on these debts; and the sole question is, whether, where a *debt* is given, *interest* thereon flows from the general principles of the law? Interest is not a part of the debt, but something added to the debt by way of damage for the detention of it. This is the definition of the English lawyers themselves, who say, "Interest is recovered by way of *damages* ratione detentionis debiti."* 2 Salk. 622, 623. Formerly, all interest was considered as unlawful, in every country of Europe; it is still so in Roman Catholic countries, and countries little commercial. From this, as a general rule, a few special cases are excepted. In France, particularly, the exceptions are those of minors, marriage portions, and money, the price of lands. So thoroughly do their laws condemn the allowance of interest, that a party who has paid it voluntarily, may recover it back again whenever he pleases. Yet this has never been taken up as a gross and flagrant denial of justice, authorizing national complaint against those governments. In England, also, all interest was against law, till the stat. 37 H. 8, c. 9. The growing spirit of commerce, no longer restrained by the principles of the Roman church, then first began to tolerate it. The same causes produced the same effect in Holland, and, perhaps, in some other commercial and Catholic countries. But, even in England, the allowance of interest is not given by *express law*, but rests on the *discretion of judges and juries*, as

* On account of the detention of the debt.

the arbiters of damages. Sometimes the judge has enlarged the interest to 20 per cent. per annum. [1 Chanc. Rep. 57.] In other cases, he fixes it, habitually, one per cent. lower than the legal rate, [2 T. Atk. 343,] and in a multitude of cases he refuses it altogether. As, for instance, no interest is allowed—

1. On arrears of rents, profits, or annuities. 1 Chan. Rep. 184, 2 P. W. 163. Ca. temp. Talbot 2.

2. For maintenance. Vin. Abr. Interest. c. 10.

3. For moneys advanced by executors. 2 Abr. Eq. 531, 15.

4. For goods sold and delivered. 3. Wilson, 206.

5. On book debts, open accounts, or simple contracts. 3 Ch. Rep. 64. Freem. Ch. Rep. 133. Dougl. 376.

6. For money lent without a note. 2 Stra. 910.

7. On an inland bill of exchange, if no protest is taken. 2 Stra. 910.

8. On a bond after 20 years. 2 Vern. 458, or after a tender.

9. On decrees in certain cases. Freem. Ch. Rep. 181.

10. On judgments in certain cases, as battery and slander. Freem. Ch. Rep. 37.

11. On any decrees or judgments in certain courts, as the exchequer chamber. Douglass, 752.

12. On costs. 2 Abr. Eq. 530, 7.

And we may add, once for all, that there is no instrument or title to debt, so formal and sacred, as to give a right to interest on it, under all possible circumstances—the words of Lord Mansfield, Dougl. 753, where he says: "That the question was, what was to be the rule for assessing the *damage*, and that, in this case, the *interest* ought to be the *measure of the damage*, the action being for a *debt*, but that, in a case of another sort, *the rule might be different*:" his words, Dougl. 376, "That interest might be payable in cases of delay, if a jury, *in their discretion*, shall think fit to allow it." And the doctrine in Giles v. Hart. 2 Salk. 622, that damages, or interest, are but an accessary to the debt, which may be barred by circumstances, which do not touch the debt itself, suffice to prove that interest is not a part of the debt, neither comprehended in the thing, nor in the

term; that words, which pass the debt, do not give interest necessarily; that the interest *depends altogether on the discretion of the judges and jurors*, who will govern themselves by all existing circumstances, will take the legal interest for the measure of their damages, or more or less, as they think right; will give it from the date of the contract, or from a year after, or deny it altogether, according as the fault or the sufferings of the one or the other party shall dictate. Our laws are, generally, an adoption of yours, and I do not know that any of the States have changed them in this particular. But there is one rule of your and our law, which, while it proves that every title of debt is liable to a disallowance of interest under special circumstances, is so applicable to our case, that I shall cite it as a text, and apply it to the circumstances of our case. It is laid down in Vin. Abr. Interest. c. 7, and 2 Abr. Eq. 5293, and elsewhere, in these words: "Where, by a *general and national calamity*, nothing is made out of lands which are assigned for payment of interest, it ought not to run on *during the time of such calamity.*" This is exactly the case in question. Can a more *general national calamity* be conceived, than that universal devastation which took place in many of these States during war? Was it ever more exactly the case anywhere, *that nothing was made out of the lands which were to pay the interest?* The produce of those lands, for want of the opportunity of exporting it safely, was down to almost nothing in real money, e. g. tobacco was less than a dollar the hundred weight. Imported articles of clothing or consumption were from four to eight times their usual price. A bushel of salt was usually sold for 100 lbs. of tobacco. At the same time, these lands, and other property, in which the money of the British creditor was vested, were paying high taxes for their own protection, and the debtor, as nominal holder, stood ultimate insurer of their value to the creditor, who was the real proprietor, because they were bought with his money. And who will estimate the value of this insurance, or say what would have been the forfeit, in a contrary event of the war? Who will say that the risk of the property was not worth the interest

of its price? *General calamity*, then, prevented profit, and, consequently, stopped interest, which is in lieu of profit. The creditor says, indeed, he has laid out of his money; he has therefore lost the use of it. The debtor replies, that, if the creditor has lost, he has not gained it; that this may be a question between two parties, both of whom have lost. In that case, the courts will not double the loss of the one, to save all loss from the other. That it is a rule of natural as well as municipal law, that in questions "de damno evitando melior est conditio possidentis." If this maxim be just, where each party is equally innocent, how much more so, where the loss has been produced by the act of the creditor? For, a nation, as a society, forms a moral person, and every member of it is personally responsible for his society. It was the act of the lender, or of his nation, which annihilated the profits of the money lent; he cannot then demand profits which he either prevented from coming into existence, or burnt, or otherwise destroyed, after they were produced. If, then, there be no instrument, or title of debt so formal and sacred as to give right to interest under all possible circumstances, and if circumstances of exemption, stronger than in the present case, cannot possibly be found, then no instrument or title of debt, however formal or sacred, can give right to interest under the circumstances of our case. Let us present the question in another point of view. Your own law forbade the payment of interest, when it forbade the receipt of American produce into Great Britain, and made that produce fair prize on its way from the debtor to the creditor, or to any other, for his use of reimbursement. All personal access between creditor and debtor was made illegal; and the debtor, who endeavored to make a remitment of his debt, or interest, must have done it three times, to answer its getting once to hand; for two out of three vessels were generally taken by the creditor nation, and, sometimes, by the creditor himself, as many of them turned their trading vessels into privateers. Where no place has been agreed on for the payment of a debt, the laws of England oblige the debtor to seek his creditor wheresoever he is to be found ***within the realm***

—Coke Lit. 210, b. but do not bind him to go out of the realm in search of him. This is our law too. The first act, generally, of the creditors and their agents here, was, to withdraw from the United States with their books and papers. The creditor thus withdrawing from his debtor, so as to render payment impossible, either of the principal or interest, makes it like the common case of a tender and refusal of money, after which, interest stops, both by your laws and ours. We see, too, from the letter of Mr. Adams, June 16, 1786, No. 57, that the British Secretary for Foreign Affairs was sensible that a British statute, having rendered criminal all intercourse between the debtor and creditor, had placed the article of interest on a different footing from the principal. And the letter of our plenipotentiaries to Mr. Hartley, the British plenipotentiary, for forming the definitive treaty, No. 58, shows, that the omission to express *interest* in the treaty, was not merely an oversight of the parties; that its allowance was considered by our plenipotentiaries as a thing not to be intended in the treaty, was declared against by Congress, and that declaration communicated to Mr. Hartley. After such an explanation, the omission is a proof of acquiescence, and an intention not to claim it. It appears, then, that the *debt* and *interest* on that debt are separate things in every country, and under separate rules. That, in every country, a *debt* is recoverable, while, in most countries, interest is refused in all cases; in others, given or refused, diminished or augmented, at the discretion of the judge; nowhere given in all cases indiscriminately, and consequently nowhere so incorporated with the *debt* as to pass with that, *ex vi termini*, or otherwise to be considered as a determinate and *vestat* thing.

While the taking *interest on money* has thus been considered, in some countries, as morally wrong in all cases, in others made legally right but in particular cases, the taking *profits from lands*, or rents in lieu of profits, has been allowed everywhere, and at all times, both in morality and law. Hence it is laid down as a general rule, Wolf, s. 229, "Si quis fundum alienum possidet, domini est quantum valet usas fundi, et possessoris quantum valet

ejus cultura et cura."* But even in the case of lands restored by a treaty, the *arrears* of profits or rents are never restored, unless they be particularly stipulated. "Si res vi pacis restituendæ, restituendi quoque sunt fructus a die *concessionis*,"† say Wolf, s. 1224; and Grotius, "cui pace res conceditur, ei et fructus conceduntur à *tempore concessionis*: NON RETRO."‡ l. 3. c. 20. s. 22. To place the right to interest on money on a level with the right to profits on land, is placing it more advantageously than has been hitherto authorized; and if, as we have seen, a stipulation to restore lands does not include a stipulation to restore the *back profits*, we may certainly conclude, *à fortiori*, that the restitution of debts does not include an allowance of *back interest* on them.

These reasons, and others like these, have probably operated on the different courts to produce decisions, that "no interest should run during the time this general and national calamity lasted;" and they seem sufficient at least to rescue their decisions from that flagrant denial of right, which can alone authorize one nation to come forward with complaints against the judiciary proceedings of another.

SEC. 55. The States have been uniform in the allowance of interest before and since the war, but not of that claimed during the war. Thus we know by [E. 1.] the case of Neate's executor's *v.* Sands, in New York, and Mildred *v.* Dorsey, in Maryland, that in those States interest during the war is disallowed by the courts. By [D. 8.] 1784, May, the act relating to debts due to persons who have been, and remained within the enemy's power or lines during the late war. That Connecticut left it to their Court of Chancery to determine the matter according to the rules of equity, or to leave it to referees; by [E. 2.] the case of

* "If any one is in possession of another's land, so much belongs to the owner as the use of the land is worth, and so much to the possessor as his labor and care are worth."

† "If things are to be restored by virtue of the peace, the profits are also to be restored *from the day of the cession.*"

‡ "To whomsoever a thing is conceded by the peace, to him also the profits are conceded, *from the time of the concession*, BUT NOT BACK."

Osborn *v.* Mifflin's executors, and [E. 3.] Hare *v.* Allen, explained in the letter of Mr. Rawle, attorney of the United States, No. 59. And by the letter of Mr. Lewis, judge of the district court of the United States, No. 60, that in Pennsylvania the rule is, that where neither the creditor nor any agent was within the State, no interest was allowed; where either remained, they gave interest. In all the other States, I believe it is left discretionary in the courts and juries. In Massachusetts the practice has varied. In November, 1784, they instruct their Delegates in Congress to ask the determination of Congress, whether they understood the word "debts" in the treaty as including interest? and whether it is their opinion, that interest during the war should be paid? and at the same time they pass [D. 9.] the act directing the courts to suspend rendering judgment for any interest that might have accrued between April 19, 1775, and January 20, 1783. But in 1787, when there was a general compliance enacted through all the United States, in order to see if that would produce a counter compliance, their Legislature passed the act repealing all laws repugnant to the treaty, No. 33, and their courts, on their part, changed their rule relative to interest during the war, which they have uniformly allowed since that time. The Circuit Court of the United States, at their sessions at ———, in 1790, determined in like manner that interest should be allowed during the war. So that, on the whole, we see that, in one State interest during the war is given in every case; in another it is given wherever the creditor, or any agent for him, remained in the country, so as to be accessible; in the others, it is left to the courts and juries to decide according to their discretion and the circumstances of the case.

TO RECAPITULATE.

Sec. 56. I have, by way of preliminary, placed out of the present discussion all acts and proceedings prior to the treaty of peace, considering them as settled by that instrument, and that the then state of things was adopted by the parties, with such alterations only as that instrument provided.

I have then taken up the subsequent acts and proceedings, of which you complain as infractions, distributing them according to their subjects, to wit:

I. Exile and confiscations.
II. Debts.
III. Interest.

I. Exile and confiscations.

After premising, that these are lawful acts of war, I have shown that the 5th article was *recommendatory* only, its stipulations being, not to *restore* the confiscations and exiles, but to *recommend* to the State Legislatures to restore them:

That this word, having but one meaning, establishes the intent of the parties; and moreover, that it was particularly explained by the American negotiators, that the Legislatures would be free to comply with the recommendation or not, and probably would not comply:

That the British *negotiators* so understood it:

That the British *ministry* so understood it:

And the members of both Houses of *Parliament*, as well those who approved, as who disapproved the article.

I have shown, that Congress did recommend, earnestly and *bona fide:*

That the States refused or complied, in a greater or less degree, according to circumstances, but more of them, and in a greater degree than was expected:

And that compensation, by the British treasury, to British sufferers, was the alternative of her own choice, our negotiators having offered to do that, if she would compensate such losses as we had sustained by acts authorized by the modern and moderate principles of war.

II. Before entering on the subject of debts, it was necessary—

1st. To review the British infractions, and refer them to their exact dates.

To show that the carrying away of the negroes preceded the 6th of May, 1783.

That instead of evacuating the *upper posts with all convenient*

speed, no order had been received for the evacuation, August 13, 1783.

None had been received May 10, 1784.

None had been received July 13, 1784.

From whence I conclude none had ever been *given*,

And thence, that none had ever been *intended*.

In the latter case, this infraction would date from the signature of the treaty. But founding it on the *not giving the order with convenient speed*, it dates from April, 1783, when the order for evacuating New York was given, as there can be no reason why it should have been inconvenient to give this order as early.

The infraction, then, respecting the upper posts, was before the treaty was known in America.

That respecting the negroes, was as soon as it was known.

I have observed that these infractions were highly injurious.

The first, by depriving us of our fur trade, profitable in itself, and valuable as a means of remittance for paying the debts; by intercepting our friendly and neighborly intercourse with the Indian nations, and consequently keeping us in constant, expensive, and barbarous war with them.

The second, by withdrawing the cultivators of the soil, the produce of which was to pay the debts.

2d. After fixing the date of the British infractions, I have shown,

That, as they *preceded*, so they *produced* the acts on our part complained of, as obstacles to the recovery of the debts.

That when one party breaks any stipulation of a treaty, the other is free to break it also, either in the whole, or in equivalent parts, at its pleasure.

That Congress having made no elections,

Four of the States assumed, separately, to modify the recovery of debts—

1. By indulging their citizens with longer and more practicable times of payment.

2. By liberating their bodies from execution, on their deliver-

ing property to the creditor, to the full amount of his demand, on a fair appraisement, as practised always under the elegit.

3. By admitting, during the first moments of the non-existence of coin among us, a discharge of executions by payment in paper money.

The first of these acts of retaliation, was in December, 1783, nine months after the infractions committed by the other party.

And all of them were so moderate, of so short duration, the result of such necessities, and so produced, that we might, with confidence, have referred them, *alterius principis, quo boni viri, arbitrio.*

3. That induced, at length, by assurances from the British court, that they would concur in a fulfilment of the treaty,

Congress, in 1787, declared to the States its will, that even the appearance of obstacle, raised by their acts, should no longer continue;

And required a formal repeal of every act of that nature; and to avoid question, required it as well from those who had not, as from those who had passed such acts; which was complied with so fully, that no such laws remained in any State of the Union, except one;

And even that one could not have forborne, if any symptoms of compliance from the opposite party had rendered a reiterated requisition from Congress important.

4. That, indeed, the requiring such a repeal, was only to take away pretext:

For, that it was at all times perfectly understood, that treaties controlled the laws of the States—

The confederation having made them obligatory on the whole:

Congress having so declared and demonstrated them:

The Legislatures and Executives of most of the States having admitted it:

And the Judiciaries, both of the separate and General Governments, so deciding.

That the courts are open everywhere upon this principle:

That the British creditors have, for some time, been in the habit and course of recovering their debts at law:

That the class of separate and unsettled debts contracted before the war, forms now but a small proportion of the original amount:

That the integrity and independence of the courts of justice in the United States, are liable to no reproach:

Nor have popular tumults furnished any ground for suggesting, that either courts or creditors are overawed by them in their proceedings.

III. Proceeding to the article of interest, I have observed:

That the decision, whether it shall or shall not be allowed *during the war*, rests, by our constitution, with the courts altogether.

That if these have generally decided against the allowance, the reasons of their decisions appear so weighty, as to clear them from the charge of that palpable degree of wrong, which may authorize national complaint, or give a right of refusing execution of the treaty, by way of reprisal.

To vindicate them, I have stated shortly, some of the reasons which support their opinion.

That interest during the war, was not *expressly* given by the treaty:

That the revival of debts did not, *ex vi termini*, give interest on them:

That interest is not a part of the debt, but damages for the detention of the debt:

That it is disallowed habitually in most countries;

Yet has never been deemed a ground of national complaint against them:

That in England also, it was formerly unlawful in all cases:

That at this day it is denied there, in such a variety of instances, as to protect from it a great part of the transactions of life:

That, in fact, there is not a single *title* to debt, so formal and sacred, as to give a right to *interest*, under all possible circumstances, either there or here:

That of these circumstances, judges and jurors are to decide, *in their discretion*, and are accordingly in the habit of augmenting, diminishing, or refusing interest, in every case, according to their discretion:

That the circumstances against the allowance, are unquestionably of the strongest in our case:

That a *great national calamity* rendering the lands unproductive, which were to pay the interest, has been adjudged a sufficient cause of itself, to suspend interest:

That, were both plaintiff and defendant equally innocent of that cause,

The question, who should avoid loss? would be in favor of the party in possession:

And, *à fortiori*, in his favor, where the calamity was produced by the act of the demandant.

That, moreover, the laws of the party creditor had cut off the *personal* access of his debtor,

And the transportation of his *produce or money* to the country of the creditor, or to any other for him:

And where the creditor prevents payment both of principal and interest, the latter, at least, is justly extinguished.

That the *departure* of the creditor, leaving no agent in the country of the debtor, would have stopped interest of itself,

The debtor not being obliged to go out of the country to seek him.

That the British minister was heretofore sensible of the weight of the objections to the claim of interest:

That the declarations of Congress and our plenipotentiaries, *previous to the definitive treaty*, and the silence of that instrument, afford proof that interest was not intended on our part, nor insisted on, on the other:

That, were we to admit interest on money, to equal favor with profits on land, arrears of profits would not be demandable in the present case, nor consequently arrears of interest:

And, on the whole, without undertaking to say what the law is, which is not the province of the Executive,

We say, that the reasons of those judges, who deny interest during the war, *appear sufficiently cogent*—

To account for their opinion on honest principles:

To exempt it from the charge of palpable and flagrant wrong, *in re minime dubiâ:*

And to take away all pretence of withholding execution of the treaty, by way of reprisal for that cause.

Sec. 57. I have now, sir, gone through the several acts and proceedings enumerated in your appendix, as infractions of the treaty, omitting, I believe, not a single one, as may be seen by a table hereto subjoined, wherein every one of them, as marked and numbered in your appendix, is referred to the section of this letter in which it is brought into view; and the result has been, as you have seen—

1. That there was no absolute stipulation to restore *antecedent* confiscations, and that none *subsequent* took place:

2. That the recovery of the debts was obstructed *validly* in none of our States, *invalidly* only in a few, and that not till long after the infractions committed on the other side; and

3. That the decisions of courts and juries against the claims of interest are too probably founded to give cause for questioning their integrity. These things being evident, I cannot but flatter myself, after the assurances received from you of his Britannic Majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day: that it is to be done so late has been the source of heavy losses, of blood and treasure, to the United States. Still our desire of friendly accommodation is, and has been, constant. No "*lawful impediment* has been opposed to the prosecution of the just rights of your citizens." And if any instances of *unlawful* impediment have existed in any of the inferior tribunals, they would, like other unlawful proceedings, have been overruled on appeal to the higher courts. If not overruled there, a complaint to the Government would have been regular, and their inter-

ference probably effectual. If your citizens would not prosecute their rights, it was impossible they should recover them, or be denied recovery; and till a denial of right through all the tribunals, there is no ground for complaint, much less for a refusal to comply with solemn stipulations, the execution of which is too important to us ever to be dispensed with. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than he, who has the honor to be, &c.*

CIRCULAR TO THE AMERICAN CONSULS.

PHILADELPHIA, May 31, 1792.

SIR,—Congress having closed their session on the 8th instant, I have now the honor to forward you a copy of the laws passed thereat. One of these, chapter twenty-four, will require your particular attention, as it contains such regulations relative to the consular office, as it has been thought proper to establish legislatively.

With respect to the security required by the sixth section, I would prefer persons residing within the United States, where the party can procure such to be his security. In this case, his own bond duly executed may be sent to me, and his sureties here may enter into a separate bond. Where the party cannot conveniently find sureties within the United States, my distance and want of means of knowing their sufficiency, oblige me to refer him to the minister or chargé des affaires of the United States, within the same government, if there be one, and if not, then to the minister of the United States, resident at Paris. The securities which they shall approve, will be admitted as good. In like manner, the account for their disbursements, authorized

* For documents referred to in this letter, see American State Papers, Foreign Affairs, vol. ii., p. 216.

by this law (and no other can be allowed), are to be settled at stated periods with the minister or chargé within their residence, if there be one, if none, then with the minister of the United States at Paris. The person who settles the account is authorized to pay it. Our consuls in America are not meant to be included in these directions as to securityship and the settlement of their accounts, as their situation gives them a more convenient communication with me. It is also recommended to the consuls to keep an ordinary correspondence with the minister or chargé to whom they are thus referred; but it would be also useful, if they could forward directly to me, from time to time, the prices current of their place, and any other circumstance which it might be interesting to make known to our merchants without delay.

The prices of our funds have undergone some variations within the last three months. The six per cents were pushed by gambling adventurers up to twenty-six and a half, or twenty-seven and a half shillings the pound. A bankruptcy having taken place among these, and considerably affected the more respectable part of the paper holders, a greater quantity of paper was thrown suddenly on the market than there was demand or money to take up. The prices fell to nineteen shillings. This crisis has passed, and they are getting up towards their value. Though the price of public paper is considered as the barometer of the public credit, it is truly so only as to the general average of prices. The real credit of the United States depends on their ability, and the immutability of their will to pay their debts. These were as evident when their paper fell to nineteen shillings, as when it was at twenty-seven shillings. The momentary variation was like that in the price of corn, or any other commodity, the result of a momentary disproportion between the demand and supply.

The unsuccessful issue of our expedition against the savages the last year, is not unknown to you. More adequate preparations are making for the present year, and in the meantime, some of the tribes have accepted peace, and others have expressed a readiness to do the same.

Another plentiful year has been added to those which had preceded it, and the present bids fair to be equally so. A prosperity built on the basis of agriculture is that which is most desirable to us, because to the efforts of labor it adds the efforts of a greater proportion of soil. The checks, however, which the commercial regulations of Europe have given to the sale of our produce, have produced a very considerable degree of domestic manufacture, which, so far as it is of the household kind, will doubtless continue, and so far as it is more public, will depend on the continuance or discontinuance of the European policy.

I am, with great esteem, Sir, your most obedient humble servant.

TO JOHN PAUL JONES.

PHILADELPHIA, June 1, 1792.

SIR,—The President of the United States having thought proper to appoint you commissioner for treating with the Dey and government of Algiers, on the subjects of peace and ransom of our captives, I have the honor to enclose you the commission, of which Mr. Thomas Pinckney, now on his way to London as our Minister Plenipotentiary there, will be the bearer. Supposing that there exists a disposition to thwart our negotiations with the Algerines, and that this would be very practicable, we have thought it advisable that the knowledge of this appointment should rest with the President, Mr. Pinckney and myself; for which reason you will perceive, that the commissions are all in my own hand writing. For the same reason, entire secrecy is recommended to you, and that you so cover from the public your departure and destination, as that they may not be conjectured or noticed; and at the same time, that you set out after as short delay as your affairs will possibly permit.

In order to enable you to enter on this business with full information, it will be necessary to give you a history of what has passed.

On the 25th of July, 1785, the schooner Maria, Captain Stevens,

belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincents, by an Algerine cruiser; and five days afterwards, the ship Dauphin, Captain O'Bryan, belonging to Messrs. Irwins, of Philadelphia, was taken by another, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews, twenty-one persons in number, were carried into Algiers. Mr. John Lambe, appointed agent for treating of peace between the United States and the government of Algiers, was ready to set out from France on that business, when Mr. Adams and myself heard of these two captures. The ransom of prisoners being a case not existing when our powers were prepared, no provision had been made for it. We thought, however, we ought to endeavor to ransom our countrymen, without waiting for orders; but at the same time, that acting without authority, we should keep within the lowest price which had been given by any other nation. We therefore gave a supplementary instruction to Mr. Lambe to ransom our captives, if it could be done for two hundred dollars a man, as we knew that three hundred French captives had been just ransomed by the Mathurins, at a price very little above this sum. He proceeded to Algiers; but his mission proved fruitless. He wrote us word from thence, that the Dey asked fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and that it was not probable he would abate much from that price. But he never intimated an idea of agreeing to give it. As he has never settled the accounts of his mission, no further information has been received. It has been said that he entered into a positive stipulation with the Dey, to pay for the prisoners the price above mentioned, or something near it; and that he came away with an assurance to return with the money. We cannot believe the fact true; and if it were, we disavow it totally, as far beyond his powers. We have never disavowed it formally, because it has never come to our knowledge with any degree of certainty.

In February, 1787, I wrote to Congress to ask leave to employ the Mathurins of France in ransoming our captives; and on the 19th of September, I received their orders to do so, and to call

for the money from our bankers at Amsterdam, as soon as it could be furnished. It was long before they could furnish the money, and as soon as they notified that they could, the business was put into train by the General of the Mathurins, not with the appearance of acting for the United States, or with their knowledge, but merely on the usual ground of charity. This expedient was rendered abortive by the revolution of France, the derangement of ecclesiastical orders there and the revocation of church property, before any proposition, perhaps, had been made in form by the Mathurins to the Dey of Algiers. I have some reason to believe that Mr. Eustace, while in Spain, endeavored to engage the court of Spain to employ their Mathurins in this business; but whether they actually moved in it or not, I have never learned.

We have also been told, that a Mr. Simpson of Gibraltar, by the direction of the Messrs. Bulkeleys of Lisbon, contracted for the ransom of our prisoners (then reduced by death and ransom to fourteen) at thirty-four thousand seven hundred and ninety-two dollars. By whose orders they did it, we could never learn. I have suspected it was some association in London, which, finding the prices far above their conception, did not go through with their purpose, which probably had been merely a philanthropic one. Be this as it may, it was without our authority or knowledge.

Again, Mr. Cathalan, our consul at Marseilles, without any instruction from the government, and actuated merely, as we presume, by willingness to do something agreeable, set on foot another negotiation for their redemption; which ended in nothing.

These several volunteer interferences, though undertaken with good intentions, run directly counter to our plan; which was, to avoid the appearance of any purpose on our part ever to ransom our captives, and by that semblance of neglect, to reduce the demands of the Algerines to such a price, as might make it hereafter less their interest to pursue our citizens than any others. On the contrary, they have supposed all these propositions directly or indirectly came from us; they inferred from thence the

greatest anxiety on our part, where we had been endeavoring to make them suppose there was none; kept up their demands for our captives at the highest prices ever paid by any nation; and thus these charitable, though unauthorized interpositions, have had the double effect of strengthening the chains they were meant to break, and making us at last set a much higher rate of ransom for our citizens, present and future, than we probably should have obtained, if we had been left alone to do our own work in our own way. Thus stands this business then at present. A formal bargain, as I am informed, being registered in the books of the former Dey, on the part of the Bulkeleys of Lisbon, which they suppose to be obligatory on us, but which is to be utterly disavowed, as having never been authorized by us, nor its source even known to us.

In 1790, this subject was laid before Congress fully, and at the late session, moneys have been provided, and authority given to proceed to the ransom of our captive citizens at Algiers, provided it shall not exceed a given sum, and provided also, a peace shall be previously negotiated within certain limits of expense. And in consequence of these proceedings, your mission has been decided on by the President.

Since, then, no *ransom* is to take place without a *peace*, you will of course take up first the negotiation of peace; or, if you find it better that peace and ransom should be treated of together, you will take care that no agreement for the latter be concluded, unless the former be established before or in the same instant.

As to the conditions, it is understood that no peace can be made with that government, but for a larger sum of money to be paid at once for the whole time of its duration, or for a smaller one to be annually paid. The former plan we entirely refuse, and adopt the latter. We have also understood that peace might be bought cheaper with naval stores than with money; but we will not furnish them with naval stores, because we think it not right to furnish them means which we know they will employ to do wrong, and because there might be no economy in it as to

ourselves, in the end, as it would increase the expenses of that coercion which we may in future be obliged to practise towards them. The only question then, is, what sum of *money* will we agree to pay them *annually*, for peace? By a letter from Captain O'Bryan, a copy of which you will receive herewith, we have his opinion that a peace could be purchased with *money*, for sixty thousand pounds sterling, or with *naval stores*, for one hundred thousand dollars. An annual payment equivalent to the first, would be three thousand pounds sterling, or thirteen thousand and five hundred dollars, the interest of the sum in gross. If we could obtain it for as small a sum as the second, in *money*, the annual payment equivalent to it would be five thousand dollars. In another part of the same letter, Captain O'Bryan says, "if maritime stores and two light cruisers be given, and a tribute paid in maritime stores every two years, amounting to twelve thousand dollars in America," a peace can be had. The gift of stores and cruisers here supposed, converted into an annual equivalent, may be stated at nine thousand dollars, and adding to it half the biennial sum, would make fifteen thousand dollars, to be annually paid. You will, of course, use your best endeavors to get it at the lowest sum practicable; whereupon I shall only say, that we should be pleased with ten thousand dollars, contented with fifteen thousand, think twenty thousand a very hard bargain, yet go as far as twenty-five thousand, if it be impossible to get it for less; but not a copper further, this being fixed by law as the utmost limit. These are meant as annual sums. If you can put off the first annual payment to the end of the first year, you may employ any sum not exceeding that, in presents to be paid down; but if the first payment is to be made in hand, that and the presents cannot by law exceed twenty-five thousand dollars.

And here we meet a difficulty, arising from the small degree of information we have respecting the Barbary States. Tunis is said to be tributary to Algiers. But whether the effect of this be, that peace being made with Algiers, is of course with the Tunisians without separate treaty, or separate price, is what we

know not. If it be possible to have it placed on this footing, so much the better. In any event, it will be necessary to stipulate with Algiers, that her influence be interposed as strongly as possible with Tunis, whenever we shall proceed to treat with the latter; which cannot be till information of the event of your negotiation, and another session of Congress.

As to the articles and form of the treaty in general, our treaty with Morocco was so well digested that I enclose you a copy of that, to be the model with Algiers, as nearly as it can be obtained, only inserting the clause with respect to Tunis.

The ransom of the captives is next to be considered. They are now thirteen in number; to wit, Richard O'Bryan and Isaac Stevens, captains, Andrew Montgomery and Alexander Forsyth, mates, Jacob Tessanier, a French passenger, William Patterson, Philip Sloan, Peleg Lorin, James Hall, James Cathcart, George Smith, John Gregory, James Hermit, seamen. It has been a fixed principle with Congress, to establish the rate of ransom of American captives with the Barbary States at as low a point as possible, that it may not be the interest of those States to go in quest of our citizens in preference to those of other countries. Had it not been for the danger it would have brought on the residue of our seamen, by exciting the cupidity of those rovers against them, our citizens now in Algiers would have been long ago redeemed, without regard to price. The mere money for this particular redemption neither has been, nor is, an object with anybody here. It is from the same regard to the safety of our seamen at large, that they have now restrained us from any ransom unaccompanied with peace. This being secured, we are led to consent to terms of ransom, to which, otherwise, our government never would have consented; that is to say, to the terms stated by Captain O'Bryan in the following passage of the same letter: "By giving the minister of the marine (the present Dey's favorite) the sum of one thousand sequins, I would stake my life that we would be ransomed for thirteen thousand sequins, and all expenses included." Extravagant as this sum is, we will, under the security of peace in future, go so far; not doubting, at

the same time, that you will obtain it as much lower as possible, and not indeed without a hope that a lower ransom will be practicable, from the assurances given us in other letters from Captain O'Bryan, that prices are likely to be abated by the present Dey, and particularly with us, towards whom he has been represented as well disposed. You will consider this sum, therefore, say twenty-seven thousand dollars, as your ultimate limit, including ransom, duties, and gratifications of every kind.

As soon as the ransom is completed, you will be pleased to have the captives well clothed and sent home at the expense of the United States, with as much economy as will consist with their reasonable comfort. It is thought best, that Mr. Pinckney, our minister at London, should be the confidential channel of communication between us. He is enabled to answer your drafts for money within the limits before expressed; and as this will be by re-drawing on Amsterdam, you must settle with him the number of days *after sight*, at which your bills shall be payable in London, so as to give him time, in the meanwhile, to draw the money from Amsterdam.

We shall be anxious to know as soon and as often as possible, your prospects in these negotiations. You will receive herewith a cypher, which will enable you to make them with safety. London and Lisbon (where Colonel Humphreys will forward my letters) will be the safest and best ports of communication. I also enclose two separate commissions, for the objects of peace and ransom. To these is added a commission to you as consul for the United States, at Algiers, on the possibility that it might be useful for you to remain there till the ratification of the treaties shall be returned from hence; though you are not to delay till their return the sending the captives home, nor the necessary payments of money within the limits before prescribed. Should you be willing to remain there, even after the completion of the business, as consul for the United States, you will be free to do so, giving me notice, that no other nomination may be made. These commissions, being issued during the recess of the Senate, are in force, by the Constitution. only till the next session of the

Senate. But their renewal then is so much a matter of course and of necessity, that you may consider that as certain, and proceed without any interruption. I have not mentioned this in the commissions, because it is in all cases surplusage, and because it might be difficult of explanation to those to whom you are addressed.

The allowance for all your expenses and time (exclusive of the ransom, price of peace, duties, presents, maintenance and transportation of the captives) is at the rate of two thousand dollars a year, to commence from the day on which you shall set out for Algiers, from whatever place you may take your departure. The particular objects of peace and ransom once out of the way, the two thousand dollars annually are to go in satisfaction of time, services, and expenses of every kind, whether you act as consul or commissioner.

As the duration of this peace cannot be counted on with certainty, and we look forward to the necessity of coercion by cruises on their coast, to be kept up during the whole of their cruising season, you will be pleased to inform yourself, as minutely as possible, of every circumstance which may influence or guide us in undertaking and conducting such an operation, making your communications by safe opportunities.

I must recommend to your particular notice, Captain O'Bryan, one of the captives, from whom we have received a great deal of useful information. The zeal which he has displayed under the trying circumstances of his present situation, has been very distinguished. You will find him intimately acquainted with the manner in which, and characters with whom business is to be done there, and perhaps he may be an useful instrument to you, especially in the outset of your undertaking, which will require the utmost caution and the best information. He will be able to give you the characters of the European consuls there, though you will, probably, not think it prudent to repose confidence in any of them.

Should you be able successfully to accomplish the objects of your mission in time to convey notice of it to us as early as possible during the next session of Congress, which meets in the

beginning of November and rises the 4th of March, it would have a very pleasant effect.

I am, with great esteem, Sir, your most obedient, and most humble servant.

TO MR. MADISON.

PHILADELPHIA, June 4, 1792.

DEAR SIR,—I wrote you on the 1st inst., which I will call No. 1, and number my letters in future that you may know when any are missing. Mr. Hammond has given me an answer in writing, saying, he must send my letter to his court and wait their instructions. On this I desired a personal interview, that we might consider the matter together in a familiar way. He came accordingly, yesterday, and took a solo dinner with me, during which our conversation was full, unreserved, and of a nature to inspire mutual confidence. The result was that he acknowledged explicitly that his country had hitherto heard one side of the question only, and that from prejudiced persons, that it was now for the first time discussed, that it was placed on entirely new ground, his court having no idea of a charge of first infractions on them, and a justification on that ground of what had been done by our States, that this made it quite a new case to which no instructions he had could apply. He found, from my expressions, that I had entertained an idea of his being able to give an order to the Governor of Canada to deliver up the posts, and smiled at the idea; and it was evident from his conversation that it had not at all entered into the expectations of his court that they were to deliver up the posts. He did not say so expressly, but he said that they considered the retaining of the posts as a very imperfect compensation for the losses their subjects had sustained; under the cover of the clause of the treaty which admits them to the navigation of the Mississippi, and the evident mistake of the negotiators in supposing that a line due west from the Lake of the Woods would strike the Mississippi,

he suppose an explanatory convention necessary, and showed a desire that such a slice of our Northwestern Territory might be cut off for them as would admit them to the navigation and profit of the Mississippi, &c., &c. He expects he can have his final instructions by the meeting of Congress. I have not yet had the conversation mentioned in my last. Do you remember that you were to leave me a list of names? Pray send them to me. My only view is that, if the P. asks me for a list of particulars, I may enumerate names to him, without naming my authority, and show him that I had not been speaking merely at random. If we do not have our conversation before, I can make a comparative table of the debts and numbers of all modern nations. I will show him how high we stand indebted by the poll in that table. I omitted Hammond's admission that the debt from the Potowmac North might be considered as liquidated, that that of Virginia was now the only great object, and cause of anxiety, amounting to two millians sterling. Adieu. Yours, affectionately.

TO THOMAS BARCLAY, ESQUIRE.

PHILADELPHIA, June 11, 1792.

SIR,—Congress having furnished me with means for procuring peace, and ransoming our captive citizens from the government of Algiers, I have thought it best, while you are engaged at Morocco, to appoint Admiral Jones to proceed to Algiers, and therefore have sent him a commission for establishing peace, another for the ransom of our captives, and a third to act there as consul for the United States, and full instructions are given in a letter from the Secretary of State to him, of all which papers, Mr. Pinckney, now proceeding to London as our Minister Plenipotentiary there, is the bearer, as he is also of this letter. It is some time, however, since we have heard of Admiral Jones, and as in the event of any accident to him, it might occasion an injurious delay, were the business to await new commissions from hence, I have

thought it best in such an event, that Mr. Pinckney should forward to you all the papers addressed to Admiral Jones, with this letter, signed by myself, giving you authority on receipt of those papers, to consider them addressed to you, and to proceed under them in every respect as if your name stood in each of them in the place of that of John Paul Jones. You will of course finish the business of your mission to Morocco with all the dispatch practicable, and then proceed to Algiers on that hereby confided to you, where this letter, with the commissions addressed to Admiral Jones, and an explanation of circumstances, will doubtless procure you credit as acting in the name and on the behalf of the United States, and more especially when you shall efficaciously prove your authority by the fact of making on the spot, the payments you shall stipulate. With full confidence in the prudence and integrity with which you will fulfill the objects of the present mission, I give to this letter the effect of a commission and full powers, by hereunto subscribing my name, this eleventh day of June, one thousand seven hundred and ninety-two.

TO MR. PINCKNEY.

PHILADELPHIA, June 11, 1792.

DEAR SIR,—I have already had the honor of delivering to you your commission as Minister Plenipotentiary of the United States at the court of London, and have now that of enclosing your letter of credence to the King, sealed, and a copy of it open for your own information. Mr. Adams, your predecessor, seemed to understand, on his being presented to that court, that a letter was expected for the Queen also. You will be pleased to inform yourself whether the custom of that court requires this from us: and to enable you to comply with it, if it should, I enclose a letter sealed for the Queen, and a copy of it open for your own information. Should its delivery not be requisite you will be so good as to return it, as we do not wish to set a precedent which may bind us hereafter to a single unnecessary ceremony. To

you, Sir, it will be unnecessary to undertake a general delineation of the duties of the office to which you are appointed. I shall therefore only express a desire that they be constantly exercised in that spirit of sincere friendship which we bear to the English nation, and that in all transactions with the minister, his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their government, or policy, as concerning themselves or other nations, we wish not to intermeddle in word or deed, and that it be not understood that our government permits itself to entertain either a will or opinion on the subject.

I particularly recommend to you, as the most important of your charges, the patronage of our commerce, and its liberation from embarrassments in all the British dominions; but most especially in the West Indies. Our consuls in Great Britain and Ireland are under general instructions to correspond with you, as you will perceive by a copy of a circular letter lately written to them, and now enclosed. From them you may often receive interesting information. Mr. Joshua Johnson is consul for us at London, James Maury, at Liverpool, Elias Vanderhorst, at Bristol, Thomas Auldjo, vice-consul at Pool (resident at Cowes), and William Knox, consul at Dublin. The jurisdiction of each is exclusive and independent, and extends to all places within the same allegiance nearer to him than to the residence of any other consul or vice-consul of the United States. The settlement of their accounts from time to time, and the payment of them, are referred to you, and in this, the act respecting consuls and any other laws made, or to be made, are to be your guide. Charges which these do not authorize, you will be pleased not to allow. These accounts are to be settled up to the first day of July in every year, and to be transmitted to the Secretary of State.

The peculiar custom in England, of impressing seamen on every appearance of war, will occasionally expose our seamen to peculiar oppressions and vexations. These will require your most active exertions and protection, which we know cannot be

effectual without incurring considerable expense; and as no law has as yet provided for this, we think it fairer to take the risk of it on the executive than to leave it on your shoulders. You will, therefore, with all due economy, and on the best vouchers the nature of the case will admit, meet those expenses, transmitting an account of them to the Secretary of State, to be communicated to the Legislature. It will be expedient that you take proper opportunities in the meantime, of conferring with the minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him, which was, that our seamen should always carry about them certificates of their citizenship. This is a condition never yet submitted to by any nation, one with which seamen would never have the precaution to comply; the casualities of their calling would expose them to the constant destruction or loss of this paper evidence, and thus, the British government would be armed with *legal authority* to impress the whole of our seamen. The simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impress-gangs, the number of men to be protected by a vessel may be limited by her tonnage, and one or two officers only be permitted to enter the vessel in order to examine the numbers on board; but no press-gang should be allowed ever to go on board an American vessel, till after it shall be found that there are more than their stipulated number on board, nor till after the master shall have refused to deliver the supernumeraries (to be named by himself) to the press-officer who has come on board for that purpose; and even then, the American consul should be called in. In order to urge a settlement of this point, before a new occasion may arise, it may not be amiss to draw their attention to the peculiar irritation excited on the last occasion, and the difficulty of avoiding our making immediate reprisals on their seamen here. You will be so good as to communicate to me what shall pass on this sub-

ject, and it may be made an article of convention, to be entered into either there or here.

You will receive herewith a copy of the journals of the ancient Congress, and of the laws, journals and reports of the present. Those for the future, with gazettes and other interesting papers, shall be sent you from time to time; and I shall leave you generally to the gazettes, for whatever information is in possession of the public, and shall especially undertake to communicate by letter, such only relative to the business of your mission as the gazetteers cannot give. From you I ask, once or twice a month, a communication of interesting occurrences in England, of the general affairs of Europe, the court gazette, the best paper in the interest of the ministry and the best of the opposition party, most particularly, that one of each which shall give the best account of the debates of parliament, the parliamentary register annually, and such other political publications as may be important enough to be read by one who can spare little time to read anything, or which may contain matter proper to be kept and turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and intermediate occasions by private vessels may be resorted to for secret communications, and for such as would come too expensively burthened with postage, by the packets. You are furnished with a cypher for greater secrecy of communication. To the papers before mentioned, I must desire you to add the Leyden gazette, paper by paper as it comes out, by the first vessel sailing after its receipt.

I enclose you the papers in the case of a Mr. Wilson, ruined by the capture of his vessel, after the term limited by the armistice. They will inform you of the circumstances of his case, and where you may find him personally, and I recommend his case to your particular representations to the British court. It is possible that other similar cases may be transmitted to you. You have already received some letters of Mr. Adams' explanations of the principles of the armistice, and of what had passed between him and the British minister on the subject.

Mr. Greene, of Rhode Island, will deliver you his papers, and I am to desire that you may patronize his claims so far as shall be just and right, leaving to himself and his agent to follow up the minute details of solicitation, and coming forward yourself only when there shall be proper occasion for you to do so in the name of your nation.

Mr. Cutting has a claim against the government, vouchers for which he is to procure from England. As you are acquainted with the circumstances of it, I have only to desire that you will satisfy yourself as to the facts relative thereto, the evidence of which cannot be transmitted, and that you will communicate the same to me, that justice may be done between the public and the claimant.

We shall have occasion to ask your assistance in procuring a workman or two for our mint; but this shall be the subject of a separate letter, after I shall have received more particular explanations from the director of the mint.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, June 11, 1792.

SIR,—The letter I have addressed to Admiral Jones, of which you have had the perusal, has informed you of the mission with which the President has thought proper to charge him at Algiers, and how far your agency is desired for conveying to him the several papers, for receiving and paying his drafts to the amount therein permitted, by re-drawing yourself on our bankers in Amsterdam who are instructed to honor your bills, and by acting as a channel of correspondence between us. It has been some time, however, since we have heard of Admiral Jones. Should any accident have happened to his life, or should you be unable to learn where he is, or should distance, refusal to act, or any other circumstance deprive us of his services on this occasion, or

be likely to produce too great a delay, of which you are to be the judge, you will then be pleased to send all the papers confided to you for him, to Mr. Thomas Barclay, our cousul at Morocco, with the letter addressed to him, which is delivered you open, and by which you will perceive that he is, in that event, substituted to every intent and purpose in the place of Admiral Jones. You will be pleased not to pass any of the papers confided to you on this business, through any post office.

I have the honor to be, with great and sincere esteem, Sir, your most obedient humble servant.

TO MR PINCKNEY.

PHILADELPHIA, June 14, 1792.

SIR,—The United States being now about to establish a mint, it becomes necessary to ask your assistance in procuring persons to carry on some parts of it; and to enable you to give it, you must be apprised of some facts.

Congress, some time ago, authorized the President to take measures for procuring some artists from any place where they were to be had. It was known that a Mr. Drost, a Swiss, had made an improvement in the method of coining, and some specimens of his coinage were exhibited here, which were superior to anything we had ever seen. Mr. Short was, therefore, authorized to engage Drost to come over, to erect the proper machinery, and instruct persons to go on with the coinage; and as he supposed this would require about a year, we agreed to give him a thousand louis a year and his expenses. The agreement was made, two coining mills, or screws, were ordered by him; but in the end, he declined coming. We have reason to believe he was drawn off by the English East India Company, and that he is now at work for them in England. Mr. Bolton had also made a proposition to coin for us in England, which was declined. Since this, the act has been passed for establishing our mint, which authorizes, among other things, the employment of an as-

sayer at fifteen hundred dollars a year, a chief coiner at the same, and an engraver at twelve hundred dollars. But it admits of the employment of one person, both as engraver and chief coiner; this we expect may be done, as we presume that any engraver who has been used to work for a coinage, must be well enough acquainted with all the operations of coinage to direct them; and it is an economy worth attention, if we can have the services performed by one officer instead of two, in which case, it is proposed to give him the salary of the chief coiner, that is to say, fifteen hundred dollars a year. I have, therefore, to request that you will endeavor, on your arrival in Europe, to engage and send us an assayer of approved skill and well-attested integrity, and a chief coiner and engraver, in one person, if possible, acquainted with all the improvements in coining, and particularly those of Drost and Bolton. Their salaries may commence from the day of their sailing for America. If Drost be in England, I think he will feel himself under some obligation to aid you in procuring persons. How far Bolton will do it, seems uncertain. You will, doubtless, make what you can of the good dispositions of either of these or any other person. Should you find it impracticable to procure an engraver capable of performing the functions of chief coiner also, we must be content that you engage separate characters. Let these persons bring with them all the implements necessary for carrying on the business, except such as you shall think too bulky and easily made here. It would be proper, therefore, that they should consult you as to the necessary implements and their prices, that they may act under your control. The method of your paying for these implements and making reasonable advances to the workmen, shall be the subject of another letter, after the President shall have decided thereon. It should be a part of the agreement of these people, that they will faithfully instruct all persons in their art, whom we shall put under them for that purpose. Your contract with them, may be made for any term not exceeding four years.

I have the honor to be, with great and much esteem, dear Sir, your most obedient, and most humble servant.

P. S. Should you not be able to procure persons of eminent qualifications for their business, in England, it will be proper to open a correspondence with Mr. Morris on the subject, and see whether he cannot get such from France. Next to the obtaining the ablest artists, a very important circumstance is to send them to us as soon as possible.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, June 16, 1792.

DEAR SIR,—My last to you was of March the 28th. Yours of April the 6th and 10th came to hand three days ago.

With respect to the particular objects of commerce susceptible of being placed on a better footing, on which you ask my ideas, they will show themselves by the enclosed table of the situation of our commerce with France and England. That with France is stated as it stood at the time I left that country, when the only objects whereon change was still desirable, were those of salted provisions, tobacco and tar, pitch and turpentine. The first was in negotiation when I came away, and was pursued by Mr. Short with prospects of success, till their general tariff so unexpectedly deranged our commerce with them as to other articles. Our commerce with their West Indies had never admitted amelioration during my stay in France. The temper of that period did not allow even the essay, and it was as much as we could do to hold the ground given us by the Marshal de Castries' *Arret*, admitting us to their colonies with salted provisions, &c. As to both these branches of commerce, to wit, with France and her colonies, we have hoped they would pursue their own proposition of arranging them by treaty, and that we could draw that treaty to this place. There is no other where the dependence of their colonies on our States for their prosperity is so obvious as here, nor where their negotiator would feel it so much. But it would be imprudent to leave to the uncertain issue of such a treaty, the re-establishment of our commerce with *France* on

the footing on which it was in the beginning of their revolution That treaty may be long on the anvil; in the meantime, we cannot consent to the late innovations, without taking measures to do justice to our own navigation. This object, therefore, is particularly recommended to you, while you will also be availing yourself of every opportunity which may arise, of benefiting our commerce in any other part. I am in hopes you will have found the moment favorable on your arrival in France, when Monsieur Claviere was in the ministry, and the dispositions of the National Assembly favorable to the ministers. Your cypher has not been sent hitherto, because it required a most confidential channel of conveyance. It is now committed to Mr. Pinckney, who also carries the gazettes, laws, and other public papers for you. We have been long without any vessel going to Havre. Some of the Indian tribes have acceded to terms of peace. The greater part, however, still hold off, and oblige us to pursue more vigorous measures for war. I enclose you an extract from a circular letter to our consuls, by which you will perceive that those in countries where we have no diplomatic representative, are desired to settle their accounts annually with the minister of the United States at Paris. This business, I must desire you to undertake. The act concerning consuls will be your guide, and I shall be glad that the first of July be the day to which their accounts shall be annually settled and paid, and that they may be forwarded as soon after that as possible to the office of the Secretary of State, to enter into the general account of his department, which it is necessary he should make up always before the meeting of Congress.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. I have said nothing of our whale oil, because I believe it is on a better footing since the tariff than before.

TO M. DE LA FAYETTE.

PHILADELPHIA, June 16, 1792.

Behold you, then, my dear friend, at the head of a great army establishing the liberties of your country against a foreign enemy. May heaven favor your cause, and make you the channel through which it may pour its favors. While you are estimating the monster Aristocracy, and pulling out the teeth and fangs of its associate, Monarchy, a contrary tendency is discovered in some here. A sect has shown itself among us, who declare they espoused our new Constitution not as a good and sufficient thing in itself, but only as a step to an English constitution, the only thing good and sufficient in itself, in their eye. It is happy for us that these are preachers without followers, and that our people are firm and constant in their republican purity. You will wonder to be told that it is from the eastward chiefly that these champions for a king, lords, and commons, come. They get some important associates from New York, and are puffed up by a tribe of Agioteurs which have been hatched in a bed of corruption made up after the model of their beloved England. Too many of these stock-jobbers and king-jobbers have come into our Legislature, or rather too many of our Legislature have become stock-jobbers and king-jobbers. However, the voice of the people is beginning to make itself heard, and will probably cleanse their seats at the ensuing election. The machinations of our old enemies are such as to keep us still at bay with our Indian neighbors. What are you doing for your colonies? They will be lost, if not more effectually succored. Indeed, no future efforts you can make will ever be able to reduce the blacks. All that can be done, in my opinion, will be to compound with them, as has been done formerly in Jamaica. We have been less zealous in aiding them, lest your government should feel any jealousy on our account. But, in truth, we as sincerely wish their restoration and their connection with you, as you do yourselves. We are satisfied that neither your justice nor their distresses will ever again permit their being forced to

seek at dear and distant markets those first necessaries of life which they may have at cheaper markets, placed by nature at their door, and formed by her for their support. What is become of Madame de Tessy and Madame de Tott? I have not heard of them since they went to Switzerland. I think they would have done better to have come and reposed under the poplars of Virginia. Pour into their bosoms the warmest effusions of my friendship, and tell them they will be warm and constant unto death. Accept of them also for Madame de La Fayette, and your dear children; but I am forgetting that you are in the field of war, and they I hope in those of peace. Adieu, my dear friend. God bless you all. Yours affectionately.

TO MR. BARLOW.

PHILADELPHIA, June 20, 1792.

DEAR SIR,—Though I am in hopes you are now on the ocean home-bound, yet I cannot omit the chance of my thanks reaching you, for your "Conspiracy of Kings" and advice to the privileged orders, the second part of which I am in hopes is out by this time. Be assured that your endeavors to bring the trans-Atlantic world into the road of reason, are not without their effect here. Some here are disposed to move retrograde, and to take their stand in the rear of Europe, now advancing to the high ground of natural right; but of all this your friend Mr. Baldwin gives you information, and doubtless paints to you the indignation with which the heresies of some people here fill us.

This will be conveyed by Mr. Pinckney, an honest, sensible man, and good republican. He goes our Minister Plenipotentiary to London. He will arrive at an interesting moment in Europe. God send that all the nations who join in attacking the liberties of France may end in the attainment of their own. I still hope this will not find you in Europe, and therefore add nothing more than assurances of affectionate esteem from, dear Sir, your sincere friend and servant.

TO PETER CARR.

PHILADELPHIA, June 22, 1792.

DEAR SIR,—I received in due time your favor of May 28, with the notes it contained on the subject of Waste. Your view of the subject, as far as it goes, is perfectly proper. Perhaps, on such a question in this country, where the husbandry is so different, it might be necessary to go further, and inquire whether any difference of this kind should produce a difference in the law. The main objects of the law of waste in England are, 1st, to prevent any disguise of the lands which might lessen the revisioner's evidence of title, such as the change of pasture into arable; 2d, to prevent any deterioration of it, as the cutting down forest, which in England is an injury. So careful is the law there against permitting a deterioration of the land, that though it will permit such improvements *in the same line*, as manuring arable lands, leading water into pasture lands, &c., yet it will not permit improvements *in a different line*, such as erecting buildings, converting pasture into arable, &c., lest this should lead to a deterioration. Hence we might argue in Virginia, that though the cutting down of forest in Virginia is, in our husbandry, rather an improvement generally, yet it is not so always, and therefore it is safer never to admit it. Consequently, there is no reason for adopting different rules of waste here from those established in England.

Your objection to Lord Kaims, that he is too metaphysical, is just, and it is the chief objection to which his writings are liable. It is to be observed also, that though he has given us what should be the system of equity, yet it is not the one actually established, at least not in all its parts. The English Chancellors have gone on from one thing to another without any comprehensive or systematic view of the whole field of equity, and therefore they have sometimes run into inconsistencies and contradictions.

Never fear the want of business. A man who qualifies himself well for his calling, never fails of employment in it. The foundation you will have laid in legal reading, will enable you

to take a higher ground than most of your competitors, and even ignorant men can see who it is that is not one of themselves. Go on then with courage, and you will be sure of success; for which be assured no one wishes more ardenily, nor has more sincere sentiments of friendship towards you, than, dear Sir, your affectionate friend.

TO MR. VAN BERCKEL.

PHILADELPHIA, July 2, 1792.

SIR,—It was with extreme concern that I learned from your letter of June the 25th, that a violation of the protection due to you as the representative of your nation had been committed, by an officer of this State entering your house and serving therein a process on one of your servants. There could be no question but that this was a breach of privilege; the only one was, how it was to be punished. To ascertain this, I referred your letter to the Attorney General, whose answer I have the honor to enclose you. By this you will perceive, that from the circumstance of your servant's not being registered in the Secretary of State's office, we cannot avail ourselves of the more certain and effectual proceeding which had been provided by an act of Congress for punishing infractions of the law of nations, that act having thought proper to confine the benefit of its provisions to such domestics only, as should have been registered. We are to proceed, therefore, as if that act had never been made, and the Attorney General's letter indicates two modes of proceeding. 1. By a warrant before a single magistrate, to recover the money paid by the servant under a process declared void by law. Herein the servant must be the actor, and the government not intermeddle at all. The smallness of the sum to be re-demanded will place this cause in the class of those in which no appeal to the higher tribunal is permitted, even in the case of manifest error, so that if the magistrate should err, the government has no means of correcting the error. 2. The second mode of proceeding would

be, to indict the officer in the Supreme Court of the United States; with whom it would rest to punish him at their discretion, in proportion to the injury done and the malice from which it proceeded; and it would end in punishment alone, and not in a restitution of the money. In this mode of proceeding, the government of the United States is actor, taking the management of the cause into its own hands, and giving you no other trouble than that of bearing witness to such material facts as may not be otherwise supported. You will be so good as to decide in which of these two ways you would choose the proceeding should be; if the latter, I will immediately take measures for having the offender prosecuted according to law.

I have the honor to be, with sentiments of respect, Sir, your most obedient, and most humble servant.

TO HIS EXCELLENCY THE GOVERNOR OF GEORGIA.

PHILADELPHIA, July 8, 1792.

SIR,—I have the honor to enclose to your Excellency, the copy of a letter I have received from his Catholic Majesty's representatives here, in consequence of a complaint from the Governor of Florida, that three inhabitants of the State of Georgia, to wit, Thomas Harrison, David Rees, and William Ewin, had entered the Spanish territory and brought from thence five negro slaves, the property of John Blackwood, a Spanish subject, without his consent, in violation of the rights of that State and the peace of the two countries. I had formerly had the honor of sending you a copy of the convention entered into between the said Governor and Mr. Leagrove, on the part of the United States for the mutual restitution of fugitive slaves. I now take the liberty of requesting your Excellency to inform me what is done, or likely to be done with you for the satisfaction of the Spanish government in this instance. Nobody knows better than your Excellency the importance of restraining individuals from committing the peace and honor of the two nations, and I am

persuaded that nothing will be wanting on your part to satisfy the just expectations of the government of Florida on the present occasion. I have the honor to be, with great respect, your Excellency's most obedient, and most humble servant.

TO MESSRS. DE VIAR AND JAUDENES.

PHILADELPHIA, July 9, 1792.

GENTLEMEN,—Information has been received that the government of West Florida has established an agent within the territory of the United States, belonging to the Creek Indians, and it is even pretended that that agent has excited those Indians to oppose the making a boundary between their district and that of the citizens of the United States. The latter is so inconsistent with the dispositions to friendship and good neighborhood which Spain has always expressed towards us, with that concert of interest which would be so advantageous to the two nations, and which we are disposed sincerely to promote, that we find no difficulty in supposing it erroneous. The sending an agent within our limits we presume has been done without the authority or knowledge of your Government. It has certainly been the usage, where one nation has wished to employ agents of any kind within the limits of another, to obtain the permission of that other, and even to regulate by convention and on principles of reciprocity, the functions to be exercised by such agents. It is not to a nation whose dominions are circumstanced as those of Spain in our neighborhood, that we need develop the inconveniences of permitting reciprocally the unlicensed mission of agents into the territories of each other. I am persuaded nothing more is necessary than to bring the fact under the notice of your Government in order to its being rectified, which is the object of my addressing you on this occasion; with every assurance that you will make the proper communications on the subject to your court. I have the honor to be, with sentiments of perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO COLONEL HUMPHREYS.

PHILADELPHIA, July 12, 1792.

DEAR SIR,—We have been very long indeed without any vessel going from this port to Lisbon. This is the reason why I have been so long without acknowledging the receipt of your letters. Your Nos. from 45 to 53 inclusive are received, except No. 52, not yet come to hand. The President set out yesterday for Virginia, and I shall follow him to-morrow. During my absence the public papers will be forwarded to you by every opportunity by Mr. Taylor, with whom this letter is left, as we know of no present opportunity of forwarding it. The State of Vermont has lately taken some decisive step to extend its jurisdiction nearer to the British ports than has hitherto been done. This has produced a complaint from Mr. Hammond. We shall endeavor to keep things quiet, in hopes of voluntary justice from them. We shall probably have no campaign this year against the Indians. There are some hopes they will accept of peace and the rather as we have never asked anything in return for it. We really wish not to hurt them. I need not repeat occurrences which you will see in the gazettes. I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO HIS EXCELLENCY GOVERNOR LEE.

MONTICELLO, August 13, 1792.

SIR,—It was not till yesterday that I was honored with the receipt of yours of July 23d, or it should have been sooner answered. I am of opinion that all communications between nations should pass through the channels of their Executives. However, in the instance of condolence on the death of Dr. Franklin, the letter from our general government was addressed to the President of the National Assembly; so was a letter from the Legislature of Pennsylvania, containing congratulations on the achievement of liberty to the French nation. I have not heard that, in

either instance, their Executive took it amiss that they were not made the channel of communication. Perhaps, therefore, this method may at present be the safest, as it is not quite certain that the sentiments of their executive and legislative are exactly the same on the subject on which you have to address them. I cannot better justify the honor of your consultation than by thus giving you my ideas without reserve, and beg you to be assured of the sentiments of respect and esteem, with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO MR. PALESKE.

MONTICELLO, August 19, 1792.

SIR,—I have received at this place your favor of the 9th instant, wherein you request, that agreeably to the treaty of commerce between the United States and his Prussian Majesty, his consul general be acknowledged as belonging to a most favored nation; that the privileges and immunities due to a consul general of the most favored nation be granted to his consul general, and that commissioners be appointed to regulate, by particular convention, the functions of the consuls and vice-consuls of the respective nations.

Treaties of the United States duly made and ratified, as is that with his Prussian Majesty, constitute a part of the law of the land, and need only promulgation to oblige all persons to obey them, and to entitle all to those privileges which such treaties confer. That promulgation having taken place, no other act is necessary or proper on the part of our government, according to our rules of proceeding, to give effect to the treaty. This treaty, however, has not specified the privileges or functions of consuls; it has only provided that these "shall be regulated by particular agreement." To the proposition to proceed as speedily as possible to regulate these functions by a convention, my absence from the seat of government does not allow me to give a definitive answer. I know, in general, that it would be agreeable to our

government, on account of the recent changes in its form, to suspend for awhile the contracting specific engagements with foreign nations, until something more shall be seen of the direction it will take, and of its mode of operation, in order that our engagements may be so moulded to that, as to insure the exact performance of them which we are desirous ever to observe. Should this be the sentiment of our government on the present occasion, the friendship of his Prussian Majesty is a sufficient reliance to us for that delay which our affairs might require for the present; and the rather, as his vessels are not yet in the habit of seeking our ports, and for the few cases which may occur for some time, our own laws, copied mostly in this respect from those of a very commercial nation, have made the most material of those provisions which could be admitted into a special convention for the protection of vessels, their crews and cargoes, coming hither. We shall on this, however, and every other occasion, do everything we can to manifest our friendship to his Prussian Majesty and our desire to promote commercial intercourse with his subjects; and of this, we hope, he will be fully assured.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO THE MINISTER PLENIPOTENTIARY OF FRANCE.

August 27, 1792.

Sir,—Your letter of the 2d instant, informing me that the Legislative body, on the proposition of the King of the French, had declared war against the King of Hungary and Bohemia, has been duly received, and is laid before the President of the United States; and I am authorized to convey to you the expression of the sincere concern we feel on learning that the French nation, to whose friendship and interests we have the strongest attachment, are now to encounter the evils of war. We offer our prayers to Heaven that its duration may be short, and its course marked with as few as may be of those calamities which render the con-

dition of war so afflicting to humanity, and we add assurances that, during its course, we shall continue in the same friendly dispositions, and render all those good offices which shall be consistent with the duties of a neutral nation.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, September 9, 1792.

DEAR SIR,—I received on the 2d instant the letter of August 23d, which you did me the honor to write me; but the immediate return of our post, contrary to his custom, prevented my answer by that occasion. The proceedings of Spain, mentioned in your letter, are really of a complexion to excite uneasiness, and a suspicion that their friendly overtures about the Mississippi, have been merely to lull us while they should be strengthening their holds on that river. Mr. Carmichael's silence has been long my astonishment; and however it might have justified something very different from a new appointment, yet the public interest certainly called for his junction with Mr. Short, as it is impossible but that his knowledge of the ground of negotiation, of persons and characters, must be useful and even necessary to the success of the mission. That Spain and Great Britain may understand one another on our frontiers is very possible; for however opposite their interests or disposition may be in the affairs of Europe, yet while these do not call them into opposite action, they may concur as against us. I consider their keeping an agent in the Indian country as a circumstance which requires serious interference on our part; and I submit to your decision whether it does not furnish a proper occasion to us to send an additional instruction to Messrs. Carmichael and Short to insist on a mutual and formal stipulation to forbear employing agents or pensioning any persons within each other's limits; and if this be refused, to propose the contrary stipulation, to wit, that each

party may freely keep agents within the Indian territories of the other, in which case we might soon sicken them of the license.

I now take the liberty of proceeding to that part of your letter wherein you notice the internal dissensions which have taken place within our government, and their disagreeable effect on its movements. That such dissensions have taken place is certain, and even among those who are nearest to you in the administration. To no one have they given deeper concern than myself; to no one equal mortification at being myself a part of them. Though I take to myself no more than my share of the general observations of your letter, yet I am so desirous ever that you should know the whole truth, and believe no more than the truth, that I am glad to seize every occasion of developing to you whatever I do or think relative to the government; and shall, therefore, ask permission to be more lengthy now than the occasion particularly calls for, or could otherwise perhaps justify.

When I embarked in the government, it was with a determination to intermeddle not at all with the Legislature, and as little as possible with my co-departments. The first and only instance of variance from the former part of my resolution, I was duped into by the Secretary of the Treasury, and made a tool for forwarding his schemes, not then sufficiently understood by me; and of all the errors of my political life, this has occasioned me the deepest regret. It has ever been my purpose to explain this to you, when, from being actors on the scene, we shall have become uninterested spectators only. The second part of my resolution has been religiously observed with the War Department; and as to that of the Treasury, has never been further swerved from than by the mere enunciation of my sentiments in conversation, and chiefly among those who, expressing the same sentiments, drew mine from me. If it has been supposed that I have ever intrigued among the members of the Legislature to defeat the plans of the Secretary of the Treasury, it is contrary to all truth. As I never had the desire to influence the members, so neither had I any other means than my friendships, which I valued too highly to risk by usurpation on their freedom of

judgment, and the conscientious pursuit of their own sense of duty. That I have utterly, in my private conversations, disapproved of the system of the Secretary of the Treasury, I ackowledge and avow; and this was not merely a speculative difference. His system flowed from principles adverse to liberty, and was calculated to undermine and demolish the Republic, by creating an influence of his department over the members of the Legislature. I saw this influence actually produced, and its first fruits to be the establishment of the great outlines of his project by the votes of the very persons who, having swallowed his bait, were laying themselves out to profit by his plans; and that had these persons withdrawn, as those interested in a question ever should, the vote of the disinterested majority was clearly the reverse of what they made it. These were no longer the votes then of the representatives of the people, but of deserters from the rights and interests of the people; and it was impossible to consider their decisions, which had nothing in view but to enrich themselves, as the measures of the fair majority, which ought always to be respected. If, what was actually doing, begat uneasiness in those who wished for virtuous government, what was further proposed was not less threatening to the friends of the Constitution. For, in a report on the subject of manufactures, (still to be acted on,) it was expressly assumed that the General Government has a right to exercise all powers which may be for the *general welfare*, that is to say, all the legitimate powers of government; since no government has a legitimate right to do what is not for the welfare of the governed. There was, indeed, a sham limitation of the universality of this power *to cases where money is to be employed.* But about what is it that money cannot be employed? Thus the object of these plans, taken together, is to draw all the powers of government into the hands of the general Legislature, to establish means for corrupting a sufficient corps in that Legislature to divide the honest votes, and preponderate, by their own, the scale which suited, and to have the corps under the command of the Secretary of the Treasury, for the purpose of subverting, step by step, the principles of the Constitution

which he has so often declared to be a thing of nothing, which must be changed. Such views might have justified something more than mere expressions of dissent, beyond which, nevertheless, I never went. Has abstinence from the department, committed to me, been equally observed by him? To say nothing of other interferences equally known, in the case of the two nations, with which we have the most intimate connections, France and England, my system was to give some satisfactory distinctions to the former, of little cost to us, in return for the solid advantages yielded us by them; and to have met the English with some restrictions which might induce them to abate their severities against our commerce. I have always supposed this coincided with your sentiments. Yet the Secretary of the Treasury, by his cabals with members of the Legislature, and by high-toned declamations on other occasions, has forced down his own system, which was exactly the reverse. He undertook, of his own authority, the conferences with the ministers of those two nations, and was, on every consultation, provided with some report of a conversation with the one or the other of them, adapted to his views. These views, thus made to prevail, their execution fell, of course, to me; and I can safely appeal to you, who have seen all my letters and proceedings, whether I have not carried them into execution as sincerely as if they had been my own, though I ever considered them as inconsistent with the honor and interest of our country. That they have been inconsistent with our interest is but too fatally proved by the stab to our navigation given by the French. So that if the question be by whose fault is it that Colonel Hamilton and myself have not drawn together? the answer will depend on that to two other questions, whose principles of administration best justify, by their purity, conscientious adherence? and which of us has, notwithstanding, stepped farthest into the control of the department of the other?

To this justification of opinions, expressed in the way of conversation, against the views of Colonel Hamilton, I beg leave to add some notice of his late charges against me in Fenno's

Gazette; for neither the style, matter, nor venom of the pieces alluded to, can leave a doubt of their author. Spelling my name and character at full length to the public, while he conceals his own under the signature of "An American," he charges me, 1st. With having written letters from Europe to my friends to oppose the present Constitution, while depending. 2d. With a desire of not paying the public debt. 3d. With setting up a paper to decry and slander the government. 1st. The first charge is most false. No man in the United States, I suppose, approved of every tittle in the Constitution: no one, I believe, approved more of it than I did, and more of it was certainly disapproved by my accuser than by me, and of its parts most vitally republican. Of this the few letters I wrote on the subject (not half a dozen I believe) will be a proof; and for my own satisfaction and justification, I must tax you with the reading of them when I return to where they are. You will there see that my objection to the Constitution was, that it wanted a bill of rights securing freedom of religion, freedom of the press, freedom from standing armies, trial by jury, and a constant habeas corpus act. Colonel Hamilton's was, that it wanted a king and house of lords. The sense of America has approved my objection and added the bill of rights, not the king and lords. I also thought a longer term of service, insusceptible of renewal, would have made a President more independent. My country has thought otherwise, I have acquiesced implicitly. He wishes the General Government should have power to make laws binding the States in all cases whatsoever. Our country has thought otherwise: has he acquiesced? Notwithstanding my wish for a bill of rights, my letters strongly urged the adoption of the Constitution, by nine States at least, to secure the good it contained. I at first thought that the best method of securing the bill of rights would be for four States to hold off till such a bill should be agreed to. But the moment I saw Mr. Hancock's proposition to pass the Constitution as it stood, and give perpetual instructions to the representatives of every State to insist on a bill of rights, I acknowledged the superiority of his plan, and advocated universal

adoption. 2d. The second charge is equally untrue. My whole correspondence while in France, and every word, letter and act on the subject, since my return, prove that no man is more ardently intent to see the public debt soon and sacredly paid off than I am. This exactly marks the difference between Colonel Hamilton's views and mine, that I would wish the debt paid to-morrow; he wishes it never to be paid, but always to be a thing wherewith to corrupt and manage the Legislature. 3d. I have never enquired what number of sons, relatives and friends of Senators, Representatives, printers or other useful partisans Colonel Hamilton has provided for among the hundred clerks of his department, the thousand excisemen, at his nod, and spread over the Union; nor could ever have imagined that the man who has the shuffling of millions backwards and forwards from paper into money and money into paper, from Europe to America, and America to Europe, the dealing out of treasury secrets among his friends in what time and measure he pleases, and who never slips an occasion of making friends with his means, that such an one, I say, would have brought forward a charge against me for having appointed the poet, Freneau, translating clerk to my office, with a salary of 250 dollars a year. That fact stands thus. While the government was at New York I was applied to on behalf of Freneau to know if there was any place within my department to which he could be appointed. I answered there were but four clerkships, all of which I found full, and continued without any change. When we removed to Philadelphia, Mr. Pintard, the translating clerk, did not choose to remove with us. His office then became vacant. I was again applied to there for Freneau, and had no hesitation to promise the clerkship for him. I cannot recollect whether it was at the same time, or afterwards, that I was told he had a thought of setting up a newspaper there. But whether then, or afterwards, I considered it a circumstance of some value, as it might enable me to do, what I had long wished to have done, that is, to have the material parts of the Leyden Gazette brought under your eye, and that of the public, in order to possess yourself and them of a juster view of

the affairs of Europe than could be obtained from any other public source. This I had ineffectually attempted through the press of Mr. Fenno, while in New York, selecting and translating passages myself at first, then having it done by Mr. Pintard, the translating clerk, but they found their way too slowly into Mr. Fenno's papers. Mr. Bache essayed it for me in Philadelphia, but his being a daily paper, did not circulate sufficiently in the other States. He even tried, at my request, the plan of a weekly paper of recapitulation from his daily paper, in hopes that that might go into the other States, but in this too we failed. Freneau, as translating clerk, and the printer of a periodical paper likely to circulate through the States (uniting in one person the parts of Pintard and Fenno), revived my hopes that the thing could at length be effected. On the establishment of his paper, therefore, I furnished him with the Leyden Gazette, with an expression of my wish that he could always translate and publish the material intelligence they contained, and have continued to furnish them from time to time, as regularly as I received them. But as to any other direction or indication of my wish how his press should be conducted, what sort of intelligence he should give, what essays encourage, I can protest, in the presence of heaven, that I never did by myself, or any other, or indirectly, say a syllable, nor attempt any kind of influence. I can further protest, in the same awful presence, that I never did, by myself, or any other, directly or indirectly, write, dictate or procure any one sentence or sentiment to be inserted *in his, or any other gazette*, to which my name was not affixed or that of my office. I surely need not except here a thing so foreign to the present subject as a little paragraph about our Algerine captives, which I put once into Fenno's paper. Freneau's proposition to publish a paper, having been about the time that the writings of Publicola, and the discourses on Davila, had a good deal excited the public attention, I took for granted from Freneau's character, which had been marked as that of a good whig, that he would give free place to pieces written against the aristocratical and monarchical principles these papers had inculcated

This having been in my mind, it is likely enough I may have expressed it in conversation with others, though I do not recollect that I did. To Freneau I think I could not, because I had still seen him but once, and that was at a public table, at breakfast, at Mrs. Elsworth's, as I passed through New York the last year. And I can safely declare that my expectations looked only to the chastisement of the aristocratical and monarchical writers, and not to any criticisms on the proceedings of government. Colonel Hamilton can see no motive for any appointment, but that of making a convenient partizan. But you, Sir, who have received from me recommendations of a Rittenhouse, Barlow, Paine, will believe that talents and science are sufficient motives with me in appointments to which they are fitted; and that Freneau, as a man of genius, might find a preference in my eye to be a translating clerk, and make good title to the little aids I could give him as the editor of a gazette, by procuring subscriptions to his paper, as I did some before it appeared, and as I have with pleasure done for the labors of other men of genius. I hold it to be one of the distinguishing excellences of elective over hereditary successions, that the talents which nature has provided in sufficient proportion, should be selected by the society for the government of their affairs, rather than that this should be transmitted through the loins of knaves and fools, passing from the debauches of the table to those of the bed. Colonel Hamilton, alias "Plain Facts," says, that Freneau's salary began before he resided in Philadelphia. I do not know what quibble he may have in reserve on the word "residence." He may mean to include under that idea the removal of his family; for I believe he removed himself, before his family did, to Philadelphia. But no act of mine gave commencement to his salary before he so far took up his abode in Philadelphia, as to be sufficiently in readiness for the duties of the office. As to the merits or demerits of his paper, they certainly concern me not. He and Fenno are rivals for the public favor. The one courts them by flattery, the other by censure, and I believe it will be admitted that the one has been as servile, as the other

severe. But is not the dignity, and even decency of government committed, when one of its principal ministers enlists himself as an anonymous writer or paragraphist for either the one or the other of them? No government ought to be without censors; and where the press is free, no one ever will. If virtuous, it need not fear the fair operation of attack and defence. Nature has given to man no other means of sifting out the truth, either in religion, law, or politics. I think it as honorable to the government neither to know, nor notice, its sycophants or censors, as it would be undignified and criminal to pamper the former and persecute the latter. So much for the past, a word now of the future.

When I came into this office, it was with a resolution to retire from it as soon as I could with decency. It pretty early appeared to me that the proper moment would be the first of those epochs at which the Constitution seems to have contemplated a periodical change or renewal of the public servants. In this I was confirmed by your resolution respecting the same period; from which, however, I am happy in hoping you have departed. I look to that period with the longing of a wave-worn mariner, who has at length the land in view, and shall count the days and hours which still lie between me and it. In the meanwhile, my main object will be to wind up the business of my office, avoiding as much as possible all new enterprise. With the affairs of the Legislature, as I never did intermeddle, so I certainly shall not now begin. I am more desirous to predispose everything for the repose to which I am withdrawing, than expose it to be disturbed by newspaper contests. If these however cannot be avoided altogether, yet a regard for your quiet will be a sufficient motive for my deferring it till I become merely a private citizen, when the propriety or impropriety of what I may say or do, may fall on myself alone. I may then, too, avoid the charge of misapplying that time which now, belonging to those who employ me, should be wholly devoted to their service. If my own justification, or the interests of the republic shall require it, I reserve to myself the right of then appealing to my country,

subscribing my name to whatever I write, and using with freedom and truth the facts and names necessary to place the cause in its just form before that tribunal. To a thorough disregard of the honors and emoluments of office, I join as great a value for the esteem of my countrymen, and conscious of having merited it by an integrity which cannot be reproached, and by an enthusiastic devotion to their rights and liberty, I will not suffer my retirement to be clouded by the slanders of a man whose history, from the moment at which history can stoop to notice him, is a tissue of machinations against the liberty of the country which has not only received and given him bread, but heaped its honors on his head. Still, however, I repeat the hope that it will not be necessary to make such an appeal. Though little known to the people of America, I believe, that as far as I am known, it is not as an enemy to the Republic, nor an intriguer against it, nor a waster of its revenue, nor prostitutor of it to the purposes of corruption, as the "American" represents me; and I confide that yourself are satisfied that as to dissensions in the newspapers, not a syllable of them has ever proceeded from me, and that no cabals or intrigues of mine have produced those in the Legislature, and I hope I may promise both to you and myself, that none will receive aliment from me during the short space I have to remain in office, which will find ample employment in closing the present business of the department.

Observing that letters written at Mount Vernon on the Monday, and arriving at Richmond on the Wednesday, reach me on Saturday, I have now the honor to mention that the 22d instant will be the last of our post days that I shall be here, and consequently that no letter from you after the 17th, will find me here. Soon after that I shall have the honor of receiving at Mount Vernon your orders for Philadelphia, and of there also delivering you the little matter which occurs to me as proper for the opening of Congress, exclusive of what has been recommended in former speeches, and not yet acted on. In the meantime and ever I am, with great and sincere affection and respect, dear Sir your most obedient, and most humble servant.

TO ARCHIBALD STUART, ESQ.

MONTICELLO, September 9, 1792.

DEAR SIR,—I wrote you a long letter from Philadelphia early in the summer, which would not have been worth recurring to, but that I therein asked the favor of you to sound Mr. Henry on the subject you had written to me on, to wit, the amendment of our Constitution, and to find whether he would not approve of the specific amendments therein mentioned, in which case the business would be easy. If you have had any conversation with him on the subject, I will thank you for the result. As I propose to return from my present office at the close of the ensuing session of Congress, and to fix myself once more at home, I begin to feel a more immediate interest in having the Constitution of our country fixed, and in such a form as will ensure a somewhat greater certainty to our laws, liberty and property, the first and last of which are now pretty much afloat, and the second not out of the reach of every enterprise. I set out for Philadelphia about the 20th, and would therefore be happy to hear from you before that. I am, with great and sincere esteem, dear Sir, your constant friend and servant.

TO MR. CLAY.

MONTICELLO, September 11, 1792.

DEAR SIR,—Your favor of August 8th, came duly to hand, and I should with pleasure have done what you therein desired, as I ever should what would serve or oblige you; but from a very early moment of my life I determined never to intermeddle with elections of the people, and have invariably adhered to this determination. In my own county, where there have been so many elections in which my inclinations were enlisted, I yet never interfered. I could the less do it in the present instance, your people so very distant from me, utterly unknown to me, and to whom I am also unknown; and above all, I a stranger, to

presume to recommend one who is well known to them. The people could not but put this question to me, "who are you, pray?" In writing the letter to you on the former occasion, I went further than I had ever before done, but that was addressed to yourself to whom I had a right to write, and not to persons either unknown to me, or very capable of judging for themselves. I have so much reliance on your friendship and candor as not to doubt you will approve of my sentiments on this occasion, and be satisfied they flow from considerations respecting myself only, and not you to whom I am happy in every occasion of testifying my esteem. I hope to see you in Bedford about May next, and am with great attachment, dear Sir, your friend and servant.

TO EDWARD RANDOLPH, ESQ.

MONTICELLO, September 17, 1792.

MY DEAR SIR,—The last post brought me your favor of the 26th of August; but it brought me at the same time so much business to be answered by return of post, and which did not admit of delay, that I was obliged to postpone the acknowledgment of yours. I thank you sincerely for what respects myself. Though I see the pen of the Secretary of the Treasury plainly in the attack on me, yet, since he has not chosen to put his name to it, I am not free to notice it as his. I have preserved through life a resolution, set in a very early part of it, never to write in a public paper without subscribing my name, and to engage openly an adversary who does not let himself be seen, is staking all against nothing. The indecency too, of newspaper squabbling between two public ministers, besides my own sense of it, has drawn something like an injunction from another quarter. Every fact alleged under the signature of "an American" as to myself, is false, and can be proved so; and perhaps will be one day. But for the present, lying and scribbling must be free to those mean enough to deal in them, and in the dark. I should have

been setting out to Philadelphia within a day or two; but the addition of a grandson and indisposition of my daughter, will probably detain me here a week longer. My best respects to Mrs. Randolph, and am, with great and sincere esteem, dear Sir, your affectionate friend and servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, September 18, 1792—2 o'clock, P. M.

DEAR SIR,—Your express is this moment arrived with the Proclamation on the proceedings against the laws for raising a revenue on distilled spirits, and I return it herein enclosed with my signature. I think if, instead of the words "to render laws dictated by weighty reasons of public exigency and policy as acceptable as possible," it stood "to render the laws as acceptable as possible," it would be better. I see no other particular expressions which need alteration. I am sincerely sorry to learn that such proceedings have taken place; and I hope the Proclamation will lead the persons concerned into a regular line of application which may end either in an amendment of the law, if it needs it, or in their conviction that it is right. Your most obedient, and most humble servant.

TO C. C. PINCKNEY, ESQ.

PHILADELPHIA, October 8, 1792.

SIR,—I found on my return here three days ago, your favor of April 6th, and am happy to learn from it that the Agricultural Society has adopted the plan of employing a person at Marseilles to raise and send olive trees to them annually. Their success in South Carolina cannot be doubted, and their value is great. Olive grounds in France rent higher by the acre than those of any other growth in the kingdom, which proves they yield the

greatest nett produce. Marseilles is the proper place for your nurseryman to be fixed, because it is the neighborhood of the best olives; and Mr. Cathalan the properest person to whom we can commit the whole superintendence, because he is our consul, is concerned in our commerce, eager to extend it, is a good man, a wealthy one, and has offered his services repeatedly in this business. He was brought up in a counting-house in London, is connected there, and therefore I think that the most convenient place on which to enable him to draw for the expenditures. This may be either by an annual letter of credit to him on some house there for any sum not exceeding fifty guineas, or a standing letter of credit for that annual sum till your further orders. I would advise that he should never be suffered to be in advance for the society, that there may be no motive for his being cool in the business. If you think proper to write to Mr. Cathalan merely to open the correspondence with him, enclosing him a letter of credit, and referring him to me for the mode of conducting the enterprise, I will enclose it to him with proper instructions as to the mode. My reason for this caution is that from my knowledge of circumstances, and from what has already passed between him and me, I can fix him at once as to a moderate scale of expense which I know to be sufficient, and which he might transcend under the idea that this is a public enterprise, supported by powerful and wealthy gentlemen. A copy of my letter shall be sent to you, so that you may make any alterations in the plan which may be agreeable to your ideas of the business, in the course of your future correspondence with Mr. Cathalan; and I shall at all future times be ready to do anything further in my power to promote the object. I am happy that while I was in the olive country I enquired for and procured the best book on the subject of the olive tree, which I now deliver to Mr. Smith for the use of the society. I suspect that the excrescence on your olive trees, described in your letter, is what they call the leprosy, which prevails among these plants I believe in every country. I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO MR. PINCKNEY.

PHILADELPHIA, October 12, 1792.

DEAR SIR,—Your favor of August the 7th came to hand on the 6th instant, and gave me the first certain information of your safe arrival. Mr. Otto being about to sail for London, furnishes me with an opportunity of sending the newspapers for yourself and Mr. Barclay, and I avail myself of it chiefly for this purpose, as my late return from Virginia and the vacation of Congress furnishes little new and important for your information. With respect to the Indian war, the summer has been chiefly employed on our part in endeavoring to persuade them to peace, in an abstinence from all offensive operations, in order to give those endeavors a fairer chance, and in preparation for activity the ensuing season, if they fail. I believe we may say these endeavors have all failed, or probably will do so. The year has been rather a favorable one for our agriculture. The crops of small grain were generally good. Early frosts have a good deal shortened those of tobacco and Indian corn, yet not so as to endanger distress. From the south my information is less certain, but from that quarter you will be informed through other channels. I have a pleasure in noting this circumstance to you, because the difference between a plentiful and a scanty crop more than counterpoises the expenses of any campaign. Five or six plentiful years successively, as we have had, have most sensibly ameliorated the condition of our country, and uniform laws of commerce, introduced by our new government, have enabled us to draw the whole benefits of our agriculture.

I enclose you the copy of a letter from Messrs. Blow and Milhaddo, merchants of Virginia, complaining of the taking away of their sailors on the coast of Africa, by the commander of a British armed vessel. So many instances of this kind have happened, that it is quite necessary that their government should explain themselves on the subject, and be led to disavow and punish such conduct. I leave to your discretion to endeavor to obtain this satisfaction by such friendly discussions as may be most

likely to produce the desired effect, and secure to our commerce that protection against British violence which it has never experienced from any other nation. No law forbids the seamen of any country to engage in time of peace on board a foreign vessel; no law authorizes such seamen to break his contract, nor the armed vessels of his nation to interpose force for his rescue. I shall be happy to hear soon that Mr. B. has gone on the service on which he was ordered.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, October 14, 1792.

GENTLEMEN,—Since my letters of March the 18th and April the 24th (which have been retarded so unfortunately), another subject of conference and convention with Spain has occurred. You know that the frontiers of her provinces, as well as of our States, are inhabited by Indians holding justly the right of occupation, and leaving to Spain and to us only the claim of excluding other nations from among them, and of becoming ourselves the purchasers of such portions of land, from time to time, as they may choose to sell. We have thought, that the dictates of *interest* as well as *humanity*, enjoined mutual endeavors with those Indians to live in peace with both nations, and we have scrupulously observed that conduct. Our agent with the Indians bordering on the territories of Spain, has a standing instruction to use his best endeavors to prevent them from committing acts of hostility against the Spanish settlements. But whatever may have been the conduct or orders of the *government* of Spain, that of their officers in our neighborhood has been indisputably unfriendly and hostile to us. The papers enclosed will demonstrate this to you. That the Baron de Carondelet, their chief Governor at New Orleans, has excited the Indians to war on us, that he has furnished them with abundance of arms and

ammunition, and promised them whatever more shall be necessary, I have from the mouth of him who had it from his own mouth. In short, that he is the sole source of a great and serious war now burst out upon us, and from Indians who, we know, were in peaceable dispositions towards us till prevailed on by him to commence the war, there remains scarcely room to doubt. It has become necessary that we understand the real policy of Spain in this point. You will therefore be pleased to extract from the enclosed papers such facts as you think proper to be communicated to that court, and enter into friendly but serious expostulations on the conduct of their officers; for we have equal evidence against the commandants of other posts in West Florida, though they being subordinate to Carondelet, we name him as the source. If they disavow his conduct, we must naturally look to their treatment of him as the sole evidence of their sincerity. But we must look further. It is a general rule, that no nation has a right to keep an agent within the limits of another, without the consent of that other, and we are satisfied it would be best for both Spain and us, to abstain from having agents or other persons in our employ or pay among the savages inhabiting our respective territories, whether as subjects or independent. You are, therefore, desired to propose and press a stipulation to that effect. Should they absolutely decline it, it may be proper to let them perceive that as the right of keeping agents exists on both sides or on neither, it will rest with us to reciprocate their own measures. We confidently hope that these proceedings are unauthorized by the government of Spain, and in this hope, we continue in the dispositions formerly expressed to you, of living on terms of the best friendship and harmony with that country, of making their interests in our neighborhood our own, and of giving them every proof of this, except the abandonment of those essential rights which you are instructed to insist on.

I have the honor to be, with great and sincere esteem, Gentlemen, your most obedient, and most humble servant.

TO G. MORRIS, ESQ.

PHILADELPHIA, October 15, 1792.

SIR,—I have duly received your favor of July 10, No. 4, but no other number preceding or subsequent. I fear, therefore, that some miscarriage has taken place. The present goes to Bordeaux, under cover to Mr. Fenwick, who, I hope, will be able to give it a safe conveyance to you. I observe that you say in your letter, that "the marine department is to treat with you for supplies to St. Domingo." I presume you mean "supplies of *money*," and not that our government is to furnish supplies of *provisions*, specifically, or employ others to do it; this being a business into which they could not enter. The payment of money here, to be employed by their own agents in purchasing the produce of our soil, is a desirable thing. We are informed by the public papers, that the late constitution of France, formally notified to us, is suspended, and a new convention called. During the time of this suspension, and while no legitimate government exists, we apprehend we cannot continue the payments of our debt to France, because there is no person authorized to receive it and to give us an unobjectionable acquittal. You are, therefore, desired to consider the payment as suspended, until further orders. Should circumstances oblige you to mention this (which it is better to avoid if you can), do it with such solid reasons as will occur to yourself, and accompany it with the most friendly declarations that the suspension does not proceed from any wish in us to delay the payment, the contrary being our wish, nor from any desire to embarrass or oppose the settlement of their government in that way in which their nation shall desire it; but from our anxiety to pay this debt justly and honorably, and to the persons really authorized by the nation (to whom we owe it) to receive it for their use. Nor shall this suspension be continued one moment after we can see our way clear out of the difficulty into which their situation has thrown us. That they may speedily obtain liberty, peace, and tranquillity, is our sincere prayer.

The present summer is employed by us in endeavors to persuade the Indians to peace, and to prepare for the ensuing campaign, if our endeavors for peace should fail. That they will fail, we have reason to expect, and consequently that the expenses of our armament are to continue for some time. Another plentiful year added to the several others which we have successively had, is some consolation under these expenses. Very early frosts, indeed, have somewhat shortened the productions of the autumn.

I have the honor to be, with great respect and esteem, dear Sir, your most obedient, and most humble servant.

TO M. DE TERNANT.

PHILADELPHIA, October 16, 1792.

SIR,—I am to acknowledge the receipt of your letter of the 9th instant, proposing a stipulation for the abolition of the practice of privateering in times of war. The benevolence of this proposition is worthy of the nation from which it comes, and our sentiments on it have been declared in the treaty to which you are pleased to refer, as well as in some others which have been proposed. There are in those treaties some other principles which would probably meet the approbation of your government, as flowing from the same desire to lessen the occasions and the calamities of war. On all of these, as well as on those amendments to our treaty of commerce which might better its conditions with both nations, and which the National Assembly of France has likewise brought into view on a former occasion, we are ready to enter into negotiation with you, only proposing to take the whole into consideration at once. And while contemplating provisions which look to the event of war, we are happy in feeling a conviction that it is yet at a great distance from us, and in believing that the sentiments of sincere friendship which we bear to the nation of France are reciprocated on their part. Of these our dispositions, be so good as to assure

them on this and all other occasions; and to accept yourself those sentiments of esteem and respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO MESSRS. VIAR AND JAUDENES, *Commissioners of Spain.*

PHILADELPHIA, November 1, 1792.

GENTLEMEN,—I have now to acknowledge the receipt of your favor of October the 29th, which I have duly laid before the President of the United States; and in answer thereto, I cannot but observe that some parts of its contents were truly unexpected. On what foundation it can be supposed that we have menaced the Creek nation with destruction during the present autumn, or at any other time, is entirely inconceivable. Our endeavors, on the contrary, to keep them at peace, have been earnest, persevering and notorious, and no expense has been spared which might attain that object. With the same views to peace, we have suspended, now more than a twelvemonth, the marking a boundary between them and us, which had been fairly, freely and solemnly established with the chiefs whom they had deputed to treat with us on that subject; we have suspended it, I say, in the constant hope that taking time to consider it in the councils of their nation, and recognizing the justice and reciprocity of its conditions, they would at length freely concur in carrying it into execution. We agree with you, that the interests which either of us have in the proceedings of the other with this nation of Indians, is a proper subject of discussion at the negotiations to be opened at Madrid, and shall accordingly give the same in charge to our commissioners there. In the meantime, we shall continue sincerely to cultivate the peace and prosperity of all the parties, being constant in the opinion, that this conduct, reciprocally observed, will most increase the happiness of all.

I have the honor to be, with sentiments of great esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO THE PRESIDENT

PHILADELPHIA, November 2, 1792.

SIR,—The letter of October the 29th, from Messrs. Viar and Jaudenes, not expressing the principle on which their government interests itself between the United States and the Creeks, I thought it of importance to have it ascertained. I therefore called on those gentlemen, and entered into explanations with them. They assured me, in our conversation, that supposing all question of boundary to be out of the case, they did not imagine their government would think themselves authorized to take under their protection, any nations of Indians living within limits confessed to be ours; and they presumed that any interference of theirs, with respect to the Creeks, could only arise out of the question of disputed territory, now existing between us; that, on this account, some part of our treaty with the Creeks had given dissatisfaction. They said, however, that they were speaking from their own sentiments only, having no instructions which would authorize them to declare those of their court; but that they expected an answer to their letters covering mine of July the 9th, (erroneously cited by them as of the 11th,) from which they would probably know the sentiments of their court. They accorded entirely in the opinion, that it would be better that the two nations should mutually endeavor to preserve each the peace of the other, as well as their own, with the neighboring tribes of Indians.

I shall avail myself of the opportunity by a vessel which is to sail in a few days, of sending proper information and instructions to our commissioners on the subject of the late, as well as of the future, interferences of the Spanish officers to our prejudice with the Indians, and for the establishment of common rules of conduct for the two nations.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, November 2, 1792.

GENTLEMEN,—I wrote you on the 14th of last month; since which some other incidents and documents have occurred, bearing relation to the subject of that letter. I therefore now enclose you a duplicate of that letter.

Copy of a letter from the Governor of Georgia, with the deposition it covered of a Mr. Hull, and an original passport, signed by Olivier, wherein he styles himself commissary for his Catholic Majesty with the Creeks.

Copy of a letter from Messrs. Viar and Jaudenes to myself, dated October the 29th, with that of the extract of a letter of September the 24th, from the Baron de Carondelet to them.

Copy of my answer of No. 1, to them, and copy of a letter from myself to the President, stating a conversation with those gentlemen.

From those papers you will find that we have been constantly endeavoring, by every possible means, to keep peace with the Creeks; that in order to do this, we have even suspended and still suspend the running a fair boundary between them and us, as agreed on by themselves, and having for its object the precise definition of their and our lands, so as to prevent encroachment on either side, and that we have constantly endeavored to keep them at peace with the Spanish settlements also; that Spain on the contrary, or at least the officers of her governments, since the arrival of the Baron de Carondelet, have undertaken to keep an agent among the Creeks, have excited them and the other southern Indians to commence a war against us, have furnished them with arms and ammunition for the express purpose of carrying on that war, and prevented the Creeks from running the boundary which would have removed the cause of difference from between us. Messrs. Viar and Jaudenes explain the ground of interference on the fact of the Spanish claim to that territory, and on an article in our treaty with the Creeks, putting themselves under our protection. But besides that you already know the nullity of

their pretended claim to the territory, they had themselves set the example of endeavoring to strengthen that claim by the treaty mentioned in the letter of the Baron de Carondelet, and by the employment of an agent among them. The establishment of our boundary, committed to you, will, of course, remove the grounds of all future pretence to interfere with the Indians *within our territory*, and it was to such only that the treaty of New York stipulated protection; for we take for granted, that Spain will be ready to agree to the principle, that neither party has a right to stipulate protection or interference with the Indian nations inhabiting the territory of the other. But it is extremely material also, with sincerity and good faith, to patronize the peace of each other with the neighboring savages. We are quite disposed to believe that the late wicked excitements to war, have proceeded from the Baron de Carondelet himself, without any authority from his court. But if so, have we not reason to expect the removal of such an officer from our neighborhood, as an evidence of the disavowal of his proceedings? He has produced against us a serious war. He says in his letter, indeed, that he has suspended it. But this he has not done, nor possibly can he do it. The Indians are more easily engaged in a war than withdrawn from it. They have made the attack in force on our frontiers, whether with or without his consent, and will oblige us to a severe punishment of their aggression. We trust that you will be able to settle principles of a friendly concert between us and Spain, with respect to the neighboring Indians; and if not, that you will endeavor to apprize us of what we may expect, that we may no longer be tied up by principles, which, in that case, would be inconsistent with duty and self-preservation.

I have the honor to be, with sentiments of perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, November 3, 1792.

SIR,—In order to enable you to lay before Congress the account required by law of the application of the moneys appropriated to foreign purposes through the agency of the Department of State, I have now the honor to transmit to you the two statements, Nos. 1 and 2, herein enclosed, comprehending the period of two years preceding the 1st day of July last.

The first statement is of the sums paid from the Treasury under the act allowing the annual fund of $40,000 for the purpose of foreign intercourse, as also under the acts of March 3, 1791, c. 16, and May 1792, c. 41, 5, 3, allowing other sums for special purposes. By this it will appear, that, except the sum of $500 paid to Colonel Humphreys on his departure, the rest has all been received in bills of exchange, which identical bills have been immediately remitted to Europe, either to those to whom they were due for services, or to the bankers of the United States in Amsterdam, to be paid out by them to persons performing services abroad. This general view has been given in order to transfer the debt of these sums from the Department of State to those to whom they have been delivered.

But in order to give to Congress a view of the specific application of these moneys, the particular accounts rendered by those who have received them, have been analyzed, and the payments made to them have been reduced under general heads, so as to show at one view the amount of the sums which each has received for every distinct species of service or disbursement, as well as their several totals. This is the statement No. 2, and it respects the annual fund of $40,000 only, the special funds of the acts of 1791 and 1792, having been not yet so far administered as to admit of any statement.

I had presented to the Auditor the statement No. 1, with the vouchers, and also the special accounts rendered by the several persons who have received these moneys, but, on consideration, he thought himself not authorized, by any law, to proceed to

their examination. I am, therefore, to hope, Sir, that authority may be given to the Auditor, or some other person, to examine the general account and vouchers of the Department of State, as well as to raise special accounts against the persons into whose hands the moneys pass, and to settle the same from time to time on behalf of the public.

I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

Dr. THE DEPARTMENT OF STATE IN ACCOUNT WITH THE U. S.

1790	Aug. 14	To a warrant from the Treasury under the Act for foreign intercourse (1790, July 1)	$ 500
	Dec. 20	To the Treasurer's Exchange on Will. V. Staph. & Hub. under do. 2475.0=1000.	
		To do. 577-10= 233.33	
1791	Mar. 19	To do. 99,000=	40,000
	May 7	To do. under Act of March 3, 1791, c. 16 32,175=	13,000
1792	Jan. 27	To do. under Act for foreign intercourse 95,947-10=38,766,67	40,000
		99,000=40,000	
	June 30	To do. under the Act of 1792, May 8, c. 41, 5, 3 123,750	50,000
			$148,500

Cr.

1790	Aug. 14	By paid Col. Humphreys on his mission to Madrid, (as by his receipt)	$ 500
	Dec. 17	By remittance to Mr. G. Morris, (as by his letter, Feb. 26, 91), the bill per contra for 2475=$1,000	
		By do. to J. B. Cutting, (as by papers given in to Congress,) the bill per contra for 577-10=$233	
1791	Mar. 19	By do. to Will V. Staphorsts & Hub., (as by their account, June 10, 91), the bill per contra for 99,000=	40,000
	May 13	By do. to do. subject to Humphreys & Barclay, (as by their receipt,) the bill per contra for 32,175=	13,000
1792	Jan. 23	By do. to do., (as by their account, April 10, 92), the bill per contra for 95,947=38,766	
		99,000=40,000	40,000
	July 3	By do. to do. subject to J. Pinckney for purposes of Act May 8, 92, the bill per contra for 123,750	50,000
			$148,500

Analyses of the Expenses of the United States for their intercourse with Foreign Nations from July 1, 1790, *to July* 1, '91, *and from July* 1, '91, *to July* 1, '92, *taken from the accounts of Messrs. Short, Humphreys, Morris, Pinckney, Willinks, Van Staphorsts, Hubbard, given to the auditor.*

1790, July 1—1791, July 1.	Outfit.	Salary.	Secretary.	Postage.	Contingencies, viz., Gazettes, &c. to dept. of state, printing, poor seamen, &c.	Total. Dollars.
Ordinary,						
Mr. Short	.....	4500.	281.74	72.4	248.96	5,103.10
Col. Humphreys	4500.	1602.73	.....	.....	.....	6,102.73
Mr. Carmichael	.....	.....	.....	.....	.....	3,927.94
Mr. Dumas	.....	.....	.....	.....	.....	1,505.44
						16,639.21
Extraordinary,						
Mission to London					2000.	
" " Amsterdam on the subject of loans					986.18	
" " Madrid					1195.89	
Mr. Cutting special services to American seamen					233.33	4,415.40
Total						21,054.61

1791, July 1.—1792, July 1.	Outfit.	Salary.		Postage.	Contingencies.	Total Dollars.
Ordinary,						
Mr. Short	4500.	4500.	.....	68.82	.....	9,068.82
Col. Humphreys	.....	4500.	.....	171.	.....	4,671.
Mr. Carmichael	.....	.....	.....	.....	.....	4,512.20
Mr. Dumas	.....	.....	.....	.....	.....	1,528.32
Mr. Morris	9000.	1500.	.....	.....	.....	10,500.
Mr. Pinckney	9000.	1800.	.....	.....	.....	10,800.
						41,080.34
Extraordinary,						
Mission to Amsterdam on subject of loans					444.43	
" " Madrid					320.	
Dyes for medals as presents to foreign ministers taking leave, and medals					1586.32	2,350.75
Total						43,431.09

Thomas Jefferson having had the honor at different times heretofore of giving to the President *conjectural* estimate of expenses of our foreign establishment, has that of now laying before him,

in page 1 of the enclosed paper, a statement of the whole amount of the foreign fund from the commencement to the expiration of the act, which will be on the 3d March next, with the *actual* expenses to the 1st of July last, and the *conjectural* ones from thence through the remaining eight months, and the balance which will probably remain.

Page 2, shows the probable annual expense of our present establishment, and its excess above the funds allowed, and in another column the *reduced* establishment necessary and most proper to bring it within the limits of the funds supposing it should be continued.

November 5, 1792.

Estimate of the funds of $40,000 *for foreign intercourse and its application.*

1790, July 1, to 1791, July 1, a year's appropriation.....	$40,000	
1791, July 1, to 1792, July 1, a year's appropriation.....	40,000	
1792, July 1, to 1793, March 3d, being 8 1-10 months.....	27,000	
		$107,000
1790, July 1, to 1791, July 1, actual expenses incurred.....	21,054,00	
1791, July 1, to 1792, July 2, actual expenses incurred.....	43,431,09	
1792, July 1, to 1793, March 3d, the probable expenses may be about.....	26,300,00	
Surplus unexpended will be about.....	16,214,91	
		$107,000

November 5, 1792.

Estimate of the ordinary expense of the different diplomatic grades annually.

A Minister Plenipotentiary.		A Resident.		Agent.	
Outfit 1-7 of $9,000.	1,285.71	Outfit 1-7 of $4,500.	642.85	Salary.....	1,300
Salary	9,000.	Salary	4,500.	Extras.....	350
Secretary	1,350.	.....			$1,650
Extras	350.	Extras	350.		
Return 1-7 of $2,250	321.42	Returns 1-7 of $1,125	160.71		
	$12,307.13		$5,653.56		

Medals to foreign ministers, suppose 5 to be kept here and changed once in 7 years, will be about $654 6 annually.

To Support the present establishment, would require		A reduction of the establishment to bring it within the limits of $40,000	
For Paris, Minister Plenipot'y	$12,307.13	For Paris, Minister Plenipot'y	$12.307.13
London	12,307.13	London	12.307.13
Madrid, Resident	5,653.56	Madrid, a Resident	5,653.56
Lisbon	5,653.56	Lisbon	5,653.56
Hague	5,653.56	Hague, an Agent	1,650.
Medals to foreign ministers	654.06	Medals to ministers	654. 6
	$42,229.54	Surplus	1,774.02
			$40,000.00

November 5, 1792.

Gentlemen of the Senate,—According to the directions of the law, I now lay before you a statement of the administration of the funds appropriated to certain foreign purposes, together with a letter from the Secretary of State, explaining the same.

November 5, 1792.

TO THE MAYOR, MUNICIPAL OFFICERS AND PROCUREUR OF THE COMMUNITY OF MARSEILLES.

Philadelphia, November 6, 1792.

Gentlemen,—Your letter of the 24th of August, is just now received by the President of the United States, and I have it in charge from him to communicate to you the particular satisfaction he feels at the expressions of fraternity towards our nation therein contained, to assure you that he desires sincerely the most speedy relief to France from her general difficulties, and will be happy to be instrumental in removing the special ones of the city of Marseilles in particular, by encouraging supplies of wheat and flour to be sent thither. Our harvest having been plentiful, our merchants would of course feel sufficient inducements, in the assurances you give of a ready sale and good price, were it not for the apprehensions of the Barbary cruisers. Certain arrangements for a Convoy, and the time, place, and manner of getting under its protection, would remove these apprehensions; but it may be doubtful whether these can be notified to them in time to prepare their adventures. They shall certainly,

however, be informed of the wants of your city, and the inducements to go to it, and on this, and all other occasions, I beg leave to recommend our commerce to the patronage of your municipality, and to tender to you the homage of those sentiments of respect and attachment, with which I have the honor to be, Gentlemen, your most obedient, and most humble servant.

TO COLONEL HUMPHREYS.

PHILADELPHIA, November 6, 1792.

DEAR SIR,—We have never known so long an interval during which there has not been a single vessel going to Lisbon. Hence it is that I am so late in acknowledging the receipt of your letters from No. 54 to 58 inclusive, and that I am obliged to do it by the way of London, and consequently cannot send you the newspapers as usual.

The summer has been chiefly past in endeavoring to bring the north-western Indians to peace, and in preparing for a vigorous operation against them the ensuing summer, if peace should not be made. As yet no symptoms of it appear on their part. In the meantime there is danger of a war being kindled up on our south-western frontiers by the Indians in that quarter, excited, as we have reason to believe, by some Spanish officers. We trust that it has not been with the authority of their government.

To counterbalance these evils, we have had the blessing of another plentiful harvest of the principal grains. Tobacco and Indian corn have suffered from the early frosts. We have very earnest demands for supplies of grain from Marseilles; but the Algerine cruisers are an impediment. Would it be practicable for you, without awaiting a general treaty, to obtain permission for our *flour* to be carried to Portugal? nothing is more demonstrable than that this restriction is highly injurious to Portugal as well as to us.

Congress assembled yesterday, the President will meet them to-day, and I will enclose you a copy of his speech whereby you

will see the chief objects which will be under their consideration during the present session. Your newspapers shall be sent by the very first vessel bound to Lisbon directly. I am, with sentiments of great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. November 7. After writing this letter, your No. 59 came to hand. It seems then that, so far from giving new liberties to our corn trade, Portugal contemplates the prohibition of it, by giving that trade exclusively to Naples. What would she say should we give her wine-trade exclusive to France and Spain. It is well known that far the greatest portion of the wine we consume, is from Portugal and its dependancies, and it must be foreseen that from the natural increase of population in these States, the demand will become equal to the uttermost abilities of Portugal to supply, even when her last foot of land shall be put into culture. Can a wise statesman seriously think of risking such a prospect as this? To me it seems incredible; and if the fact be so, I have no doubt you will interpose your opposition with the minister, developing to him all the consequences which such a measure would have on the happiness of the two nations. He should reflect that nothing but habit has produced in this country a preference of their wines over the superior wines of France, and that if once that habit is interrupted by an absolute prohibition it will never be recovered.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, November 7, 1792.

DEAR SIR,—My last to you was of the 15th of October; since which I have received your Nos. 1, 2, 3, 5, 6, 7. Though mine went by a conveyance directly to Bordeaux, and may therefore probably get safe to you, yet I think it proper, lest it should miscarry, to repeat to you the following paragraph from it.

* * * * * * * * *

I am perfectly sensible that your situation must, ere this reaches you, have been delicate and difficult; and though the occasion is probably over, and your part taken of necessity, so that instructions now would be too late, yet I think it just to express our sentiments on the subject, as a sanction of what you have probably done. Whenever the scene became personally dangerous to you, it was proper you should leave it, as well from personal as public motives. But what degree of danger should be awaited, to what distance or place you should retire, are circumstances which must rest with your own discretion, it being impossible to prescribe them from hence. With what kind of government you may do business, is another question. It accords with our principles to acknowledge any government to be rightful, which is formed by the will of the nation substantially declared. The late government was of this kind, and was accordingly acknowledged by all the branches of ours. So, any alteration of it which shall be made by the will of the nation substantially declared, will doubtless be acknowledged in like manner. With such a government *every kind* of business may be done. But there are *some matters* which, I conceive, might be transacted with a government *de facto;* such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation. Such cases you will readily distinguish as they occur. With respect to this particular reformation of their regulations, we cannot be too pressing for its attainment, as every day's continuance gives it additional firmness, and endangers its taking root in their habits and constitution; and, indeed, I think they should be told, as soon as they are in a condition to act, that if they do not revoke the late innovations, we must lay additional and equivalent burthens on *French ships*, by name. Your conduct in the case of M. de Bonne Carrere, is approved entirely. We think it of great consequence to the friendship of the two nations, to have a minister here in whose dispositions we have confidence. Congress assembled the day before yesterday. I enclose you a paper containing the President's speech, whereby you will see the chief objects of the present session. Your difficulties as to the

settlements of our accounts with France and as to the payment of the foreign officers, will have been removed by the letter of the Secretary of the Treasury, of which, for fear it should have miscarried, I now enclose you a duplicate. Should a conveyance for the present letter offer to any port of France directly, your newspapers will accompany it. Otherwise, I shall send it through Mr. Pinckney, and retain the newspapers as usual, for a direct conveyance.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL HUMPHREYS.

PHILADELPHIA, November 8, 1792.

DEAR SIR,—You were not unapprised of the reluctance with which I came into my present office, and I came into it with a determination to quit it as soon as decency would permit. Nor was it long before I fixed on the termination of our first federal cycle of four years as the proper moment. That moment is now approaching, and is to me as land was to Columbus in his first American voyage. The object of this private letter is to desire that your future public letters may be addressed to the Secretary of State by title and not by name, until you know who he will be, as otherwise your letters arriving here after the 3d of March, would incur the expense, delay, and risk of travelling six hundred miles by post after their arrival here. I may perhaps take the liberty of sometimes troubling you with a line from my retirement, and shall be ever happy to hear from you, and to give you every proof of the sincere esteem and respect, with which I have the honor to be, dear Sir, your affectionate friend and servant.

P. S. We yesterday received information of the conclusion of peace with the Wabash and Illinois Indians. This forms a broad separation between the northern and southern war-tribes.

TO T. M. RANDOLPH, JR.

PHILADELPHIA, November 16, 1792.

DEAR SIR,—Congress have not yet entered into any important business. An attempt has been made to give further extent to the influence of the Executive over the Legislature, by permitting the heads of departments to attend the House and explain their measures *vivâ voce*. But it was negatived by a majority of 35 to 11, which gives us some hope of the increase of the republican vote. However, no trying question enables us yet to judge, nor indeed is there reason to expect from this Congress many instances of conversion, though some will probably have been effected by the expression of the public sentiment in the late election. For, as far as we have heard, the event has been generally in favor of republican, and against the aristocratical candidates. In this State the election has been triumphantly carried by the republicans; their antagonists having got but 2 out of 11 members, and the vote of this State can generally turn the balance. Freneau's paper is getting into Massachusetts, under the patronage of Hancock; and Samuel Adams, and Mr. Ames, the colossus of the monocrats and paper men, will either be left out or hard run. The people of that State are republican; but hitherto they have heard nothing but the hymns and lauds chanted by Fenno. My love to my dear Martha, and am, dear Sir, yours affectionately.

TO M. DE TERNANT.

PHILADELPHIA, November 20, 1792.

SIR,—Your letter on the subject of further supplies to the colony of St. Domingo, has been duly received and considered. When the distresses of that colony first broke forth, we thought we could not better evidence our friendship to that and to the mother country also, than to step in to its relief, on your application, without waiting a formal authorization from the National

Assembly. As the case was unforeseen, so it was unprovided for on their part, and we did what we doubted not they would have desired us to do, had there been time to make the application, and what we presumed they would sanction as soon as known to them. We have now been going on more than a twelve-month, in making advances for the relief of the colony, without having, as yet, received any such sanction; for the decree of four millions of livres in aid of the colony, besides the circuitous and informal manner by which we became acquainted with it, describes and applies to operations very different from those which have actually taken place. The wants of the colony appear likely to continue, and their reliance on our supplies to become habitual. We feel every disposition to continue our efforts for administering to those wants; but that cautious attention to forms which would have been unfriendly in the first moment, becomes a duty to ourselves, when the business assumes the appearance of long continuance, and respectful also to the National Assembly itself, who have a right to prescribe the line of an interference so materially interesting to the mother country and the colony.

By the estimate you were pleased to deliver me, we perceive that there will be wanting, to carry the colony through the month of December, between thirty and forty thousand dollars, in addition to the sums before engaged to you. I am authorized to inform you, that the sum of forty thousand dollars shall be paid to your orders at the treasury of the United States, and to assure you, that we feel no abatement in our dispositions to contribute these aids from time to time, as they shall be wanting, for the necessary subsistence of the colony; but the want of express approbation from the national Legislature, must ere long produce a presumption that they contemplate perhaps other modes of relieving the colony, and dictate to us the propriety of doing only what they shall have regularly and previously sanctioned. Their decree before mentioned, contemplates purchases made *in the United States only*. In this they might probably have in view, as well to keep the business of providing supplies under a single

direction, as that these supplies should be bought where they can be had cheapest, and where the same sum will consequently effect the greatest measure of relief to the colony. It is our wish as undoubtedly it must be yours, that the moneys we furnish be applied strictly in the line they prescribe. We understand, however, that there are in the hands of our citizens, some bills drawn by the administration of the colony, for articles of subsistence *delivered there*. It seems just, that such of them should be paid as were received before *bona fide* notice that that mode of supply was not bottomed on the funds furnished to you by the United States, and we recommend them to you accordingly.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MR. PINCKNEY.

PHILADELPHIA, December 3. 1792.

DEAR SIR,— * * * * * * * *

I do not write you a public letter by the packet because there is really no subject for it. The elections for Congress have produced a decided majority in favor of the republican interest. They complain, you know, that the influence and patronage of the Executive is to become so great as to govern the Legislature. They endeavored a few days ago to take away one means of influence by condemning references to the heads of department. They failed by a majority of five votes. They were more successful in their endeavor to prevent the introduction of a new means of influence, that of admitting the heads of department to deliberate occasionally in the House in explanation of their measures. The proposition for their admission was rejected by a pretty general vote. I think we may consider the tide of this government as now at the fullest, and that it will, from the commencement of the next session of Congress, retire and subside into the true principles of the Constitution. An alarm has been endeavored to be sounded as if the republican in-

terest was indisposed to the payment of the public debt. Besides the general object of the calumny, it was meant to answer the special one of electioneering. Its falsehood was so notorious that it produced little effect. They endeavored with as little success to conjure up the ghost of anti-federalism, and to have it believed that this and republicanism were the same, and that both were Jacobinism. But those who felt themselves republicans and federalists too, were little moved by this artifice; so that the result of the election has been promising. The occasion of electing a Vice-President has been seized as a proper one for expressing the public sense on the doctrines of the monocrats. There will be a strong vote against Mr. Adams, but the strength of his personal worth and his services will, I think, prevail over the demerit of his political creed.

I am, with great and sincere esteem, my dear Sir, your most obedient, and most humble servant.

TO DR. GILMER.

PHILADELPHIA, December 16, 1792.

DEAR DOCTOR,—I received only two days ago your favor of October 9, by Mr. Everett. He is now under the small-pox. I am rejoiced with the account he gives me of the invigoration of your system, and am anxious for your persevering in any course of regimen which may long preserve you to us. We have just received the glorious news of the Prussian army being obliged to retreat, and hope it will be followed by some proper catastrophe on them. This news has given wry faces to our monocrats here, but sincere joy to the great body of the citizens. It arrived only in the afternoon of yesterday, and the bells were rung and some illuminations took place in the evening. A proposition has been made to Congress to begin sinking the public debt by a tax on pleasure horses; that is to say, on all horses not employed for the draught or farm. It is said there is not a horse of that description eastward of New York. And as to call this a *direct tax*

would oblige them to proportion it among the States according to the census, they choose to class it among the *indirect taxes*. We have a glimmering hope of peace from the northern Indians, but from those of the south there is danger of war. Wheat is at a dollar and a fifth here. Do not sell yours till the market begins to fall. You may lose a penny or two in the bushel then, but might lose a shilling or two now. Present me affectionately to Mrs. Gilmer. Yours, sincerely.

TO MR. MERCER.

PHILADELPHIA, December 19, 1792.

DEAR SIR,—I received yesterday your favor of the 13th. I had been waiting two or three days in expectation of vessels said to be in the river, and by which we hope more particular accounts of the late affairs in France. It has turned out that there were no such vessels arriving as had been pretended. However I think we may safely rely that the Duke of Brunswick has retreated, and it is certainly possible enough that between famine, disease, and a country abounding with defiles, he may suffer some considerable catastrophe. The monocrats here still affect to disbelieve all this, while the republicans are rejoicing and taking to themselves the name of Jacobins, which two months ago was fixed on them by way of stigma. The votes for Vice-President, as far as hitherto known, stands thus:

	ADAMS.	CLINTON.
New Hampshire	6	
Massachusetts	16	
Rhode Island	4	
Connecticut	7	
New York		12
Pennsylvania	14	1
Delaware	3	
Maryland	8	
Virginia		21

Bankrupt bill is brought on with some very threatening features to landed and farming men, who are in danger of being

drawn into its vortex. It assumes the right of seizing and selling lands, and so cuts the knotty question of the Constitution whether the General Government may direct the transmission of land by descent or otherwise. The post-office is not within my department, but that of the treasury. I note duly what you say of Mr. Skinner, but I don't believe any bill on weights and measures will be passed. Adieu. Yours, affectionately.

TO MR. RUTHERFORD.

PHILADELPHIA, December 25, 1792.

SIR,—I have considered, with all the attention which the shortness of the time would permit, the two motions which you were pleased to put into my hands yesterday afternoon, on the subject of weights and measures, now under reference to a committee of the Senate, and will take the liberty of making a few observations thereon.

The first, I presume, is intended as a basis for the adoption of that alternative of the report on measures and weights, which proposed retaining the present system, and fixing its several parts by a reference to a rod vibrating seconds, under the circumstances therein explained; and to fulfil its object, I think the resolutions there proposed should be followed by this: "that the standard by which the said measures of length, surface, and capacity shall be fixed, shall be an uniform cylindrical rod of iron, of such length as in latitude forty-five degrees, in the level of the ocean, and in a cellar or other place of uniform natural temperature, shall perform its vibrations in small and equal arcs, in one second of mean time; and that rain water be the substance, to some definite mass of which, the said weights shall be referred." Without this, the committee employed to prepare a bill on those resolutions, would be uninstructed as to the principles by which the Senate mean to fix their measures of length, and the substance by which they will fix their weights.

The second motion is a middle proposition between the first

and the last alternatives in the report. It agrees with the first in some of the present measures and weights, and with the last, in compounding and dividing them decimally. If this should be thought best, I take the liberty of proposing the following alterations of these resolutions:

2d. For "metal" substitute "iron." The object is to have one determinate standard. But the different metals having different degrees of expansibility, there would be as many different standards as there are metals, were that generic term to be used. A specific one seems preferable, and "iron" the best, because the least variable by expansion.

3d. I should think it better to omit the chain of 66 feet, because it introduces a series which is not decimal. viz., 1. 66. 80. and because it is absolutely useless. As a measure of length, it is unknown to the mass of our citizens; and if retained for the purpose of superficial measure, the foot will supply its place, and fix the acre as in the fourth resolution.

4th. For the same reason, I propose to omit the words "or shall be ten chains in length and one in breadth."

5th. This resolution would stand better, if it omitted the words "shall be one foot square, and one foot and twenty cents of a foot deep, and," because the second description is perfect, and too plain to need explanation. Or if the first expression be preferred, the second may be omitted, as perfectly tautologous.

6th. I propose to leave out the words "shall be equal to the pound avoirdupois now in use, and," for the reasons suggested in the second resolution, to wit, that our object is, to have one determinate standard. The pound avoirdupois now in use is an indefinite thing. The committee of parliament reported variations among the standard weights of the exchequer. Different persons weighing the cubic foot of water, have made it, some more, and some less than one thousand ounces avoirdupois; according as their weights had been tested by the lighter or heavier standard weights of the exchequer. If the pound now in use be declared a standard, as well as the weight of sixteen thousand cubic cents of a foot in water, it may hereafter perhaps be insisted

that these two definitions are different, and that, being of equal authority, either may be used, and so the standard pound be rendered as uncertain as at present.

7th. For the same reason, I propose to omit the words "equal to seven grains troy." The true ratio between the avoirdupois and troy weights, is a very contested one. The equation of seven thousand grains troy to the pound avoirdupois, is only one of several opinions, and is indebted perhaps to its integral form for its prevalence. The introduction either of the troy or avoirdupois weight into the definition of our unit, will throw that unit under the uncertainties now enveloping the troy and avoirdupois weights.

When the House of Representatives were pleased to refer to me the subject of weights and measures, I was uninformed as to the hypothesis on which I was to take it up; to wit, whether on that, that our citizens would not approve of any material change in the present system, or on the other, that they were ripe for a complete reformation. I therefore proposed plans for each alternative. In contemplating these, I had occasion to examine well all the middle ground between the two, and among others which presented themselves to my mind, was the plan of establishing one of the known weights and measures as the unit in each class; to wit, in the measures of lines, of surfaces, and of solids, and in weights, and to compound and divide them decimally. In the measures of weights, I had thought of the ounce as the best unit, because, calling it the thousandth part of a cubic foot of water, it fell into the decimal series, formed a happy link of connection with the system of measures on the one side, and of coins on the other, by admitting an equality with the dollar, without changing the value of that or its alloy materially. But on the whole, I abandoned this middle proposition, on the supposition that if our fellow citizens were ripe for advancing so great a length towards reformation, as to retain only four known points of the very numerous series to which they were habituated, to wit, the foot, the acre, the bushel, and the ounce, abandoning all the multiples and subdivisions of them, or recurring

for their value to the tables which would be formed, they would probably be ripe for taking the whole step, giving up these four points also, and making the reformation complete; and the rather, as in the present series and the one to be proposed, there would be so many points of very near approximation, as aided in the same manner by tables, would not increase their difficulties perhaps, indeed, would lessen them by the greater simplicity of the links by which the several members of the system are connected together. Perhaps, however, I was wrong in this supposition. The representatives of the people in Congress are alone competent to judge of the general disposition of the people, and to what precise point of reformation they are ready to go. On this, therefore, I do not presume to give an opinion, nor to pronounce between the comparative expediency of the three propositions; but shall be ready to give whatever aid I can to any of them which shall be adopted by the Legislature.

I have the honor to be, with perfect respect, your most obedient, and most humble servant.

TO MR. PINCKNEY.

PHILADELPHIA, December 30, 1792.

DEAR SIR,—My last letters to you have been of the 13th and 20th of November, since which I have received yours of September 19. We are anxious to hear that the person substituted in the place of the one deceased is gone on that business. You do not mention your prospect of finding for the mint the officers we were desirous of procuring. On this subject, I will add to what was before mentioned to you, that if you can get artists *really eminent*, and on the *salaries fixed by the law*, we shall be glad of them; but that experience of the persons we have found here, would induce us to be contented with them rather than to take those who are *not eminent*, or who would expect *more than the legal salaries*. A greater difficulty has been experienced in procuring copper for the mint than we expected. Mr. Ritten-

house, the Director, having been advised that it might be had on advantageous terms from Sweden, has written me a letter on that subject, a copy of which I enclose you, with the bill of exchange it covered. I should not have troubled you with them, had our resident in Holland been in place. But on account of his absence, I am obliged to ask the favor of you to take such measures as your situation will admit, for procuring such a quantity of copper, to be brought us from Sweden, as this bill will enable you. It is presumed that the commercial relations of London with every part of Europe will furnish ready means of executing this commission. We as yet get no answer from Mr. Hammond on the general subject of the execution of the treaty. He says he is waiting for instructions. It would be well to urge, in your conversations with the minister, the necessity of giving Mr. Hammond such instructions and latitude as will enable him to proceed of himself. If on every move we are to await new instructions from the other side the Atlantic, it will be a long business indeed. You express a wish in your letter to be generally advised as to the tenor of your conduct, in consequence of the late revolution in France, the questions relative to which, you observe, incidentally present themselves to you. It is impossible to foresee the particular circumstances which may require you to décide and act on that question. But, principles being understood, their application will be less embarrassing. We certainly cannot deny to other nations that principle whereon our government is founded, that every nation has a right to govern itself internally under what forms it pleases, and to change these forms at its own will; and externally to transact business with other nations through whatever organ it chooses, whether that be a King, Convention, Assembly, Committee, President, or whatever it be. The only thing essential is, the will of the nation. Taking this as your polar star, you can hardly err. I shall send you by the first vessel which sails (the packet excepted on account of postage) two dozen plans of the city of Washington in the Federal Government, which you are desired to display, not for sale, but for public inspection, wherever they may be most seen by

those descriptions of people worthy and likely to be attracted to it, dividing the plans among the cities of London and Edinburgh chiefly, but sending some also to Glasgow, Bristol, Dublin, &c. Mr. Taylor tells me he sends you the public papers by every vessel going from hence to London. They will keep you informed of the proceedings of Congress, and other occurrences worthy your knowledge. I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. Though I have mentioned Sweden as the *most likely* place to get copper from, on the best terms, yet if you can be satisfied it may be got on better terms elsewhere, it is left to your discretion to get it elsewhere.

TO MR. SHORT.

PHILADELPHIA, January 3, 1793.

DEAR SIR,—My last private letter to you was of October 16, since which I have received your Nos. 103, 107, 108, 109, 110, 112, 113 and 114 and yesterday your private one of September 15, came to hand. The tone of your letters had for some time given me pain, on account of the extreme warmth with which they censured the proceedings of the Jacobins of France. I considered that sect as the same with the Republican patriots, and the Feuillants as the Monarchical patriots, well known in the early part of the Revolution, and but little distant in their views, both having in object the establishment of a free constitution, differing only on the question whether their chief Executive should be hereditary or not. The Jacobins (as since called) yielded to the Feuillants, and tried the experiment of retaining their hereditary Executive. The experiment failed completely, and would have brought on the re-establishment of despotism had it been pursued. The Jacobins knew this, and that the expunging that office was of absolute necessity. And the nation was with them in opinion, for however they might have

been formerly for the constitution framed by the first assembly, they were come over from their hope in it, and were now generally Jacobins. In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. These I deplore as much as any body, and shall deplore some of them to the day of my death. But I deplore them as I should have done had they fallen in battle. It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. A few of their cordial friends met at their hands the fate of enemies. But time and truth will rescue and embalm their memories, while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed I would have seen half the earth desolated; were there but an Adam and an Eve left in every country, and left free, it would be better than as it now is. I have expressed to you my sentiments, because they are really those of ninety-nine in an hundred of our citizens. The universal feasts, and rejoicings which have lately been, had on account of the successes of the French, showed the genuine effusions of their hearts. You have been wounded by the sufferings of your friends, and have by this circumstance been hurried into a temper of mind which would be extremely disrelished if known to your countrymen. The rescue of 224.68.1460.916.83. had never permitted me to discover the light in which he viewed it, and as I was more anxious that you should satisfy him than me, I had still avoided explanations with you on the subject. But your 113. induced him to break silence, and to notice the extreme acrimony of your expressions. He added that he had been informed the sentiments you expressed *in your conversations* were equally offensive to our allies, and that you should consider yourself as the representative of your country, and that what you say might be imputed to your

constituents. He desired me therefore to write to you on this subject. He added that he considered 729.633.224.939.1243. 1210.741.1683.1460.216.1407.890.1416.1212.674.125.633.1450 1559.182. there are in the United States some characters of opposite principles; some of them are high in office, others possessing great wealth, and all of them hostile to France, and fondly looking to England as the staff of their hope. These I named to you on a former occasion. Their prospects have certainly not brightened. Excepting them, this country is entirely republican, friends to the Constitution, anxious to preserve it, and to have it administered according to its own republican principles. The little party above mentioned have espoused it only as a stepping-stone to monarchy, and have endeavored to approximate it to that in its administration in order to render its final transition more easy. The successes of republicanism in France have given the coup de grace to their prospects, and I hope to their projects. I have developed to you faithfully the sentiments of your country, that you may govern yourself accordingly. I know your republicanism to be pure, and that it is no decay of that which has embittered you against its votaries in France, but too great a sensibility at the partial evil which its object has been accomplished there. I have written to you in the style to which I have been always accustomed with you, and which perhaps it is time I should lay aside. But while old men are sensible enough of their own advance in years, they do not sufficiently recollect it in those whom they have seen young. In writing, too, the last private letter which will probably be written under present circumstances, in contemplating that your correspondence will shortly be turned over to I know not whom, but certainly to some one not in the habit of considering your interests with the same fostering anxieties I do, I have presented things without reserve, satisfied you will ascribe what I have said to its true motive, use it for your own best interest, and in that fulfil completely what I had in view. With respect to the subject of your letter of Sept. 15, you will be sensible that many considerations would prevent my undertaking the reformation of

a system with which I am so soon to take leave. It is but common decency to leave to my successor the moulding of his own business. Not knowing how otherwise to convey this letter to you with certainty, I shall appeal to the friendship and honor of the Spanish commissioners here, to give it the protection of their cover, as a letter of private nature altogether. We have no remarkable event here lately but the death of Dr. Lee, nor have I anything new to communicate to you of your friends or affairs. I am, with unalterable affection and wishes for your prosperity, my dear Sir, your sincere friend and servant.

TO MR. RANDOLPH.

PHILADELPHIA, January 7, 1793.

DEAR SIR,—Our news from France continues to be good, and to promise a continuance; the event of the revolution there is now little doubted of, even by its enemies, the sensations it has produced here, and the indications of them in the public papers, have shown that the [illegible] our own government was to take depended much more on the events of France than anybody had before imagined. The tide which after our former relaxed government, took a violent course towards the opposite extreme, and seemed ready to hang everything round with the tassels and baubles of monarchy, is now getting track as we hope to a just mean, a government of laws addressed to the reason of the people and not to their weaknesses. The daily papers show it more than those you receive. An attempt in the House of Representatives to stop the recruiting service has been rejected. Indeed, the conferences for peace, agreed to by the Indians, do not promise much, as we have reason to believe they will insist on taking back lands purchased at former treaties. Maria is well; we hope all are so at Monticello. My best love to my dear Martha, and am, most affectionately, dear Sir, yours, &c.

TO MR. GALLATIN.

PHILADELPHIA, January 25, 1793.

SIR,—Mr. Segaux called on me this morning to ask a statement of the experiment which was made in Virginia by a Mr. Mazzie, for the raising vines and making wines, and desired I would address it to you. Mr. Mazzie was an Italian, and brought over with him about a dozen laborers of his own country, bound to serve him four or five years. We made up a subscription for him of £2,000 sterling, and he began his experiment on a piece of land adjoining to mine. His intention was, before the time of his people should expire, to import more from Italy. He planted a considerable vineyard, and attended to it with great diligence for three years. The war then came on, the time of his people soon expired, some of them enlisted, others chose to settle on other lands and labor for themselves; some were taken away by the gentlemen of the country for gardeners, so that there did not remain a single one with him, and the interruption of navigation prevented his importing others. In this state of things he was himself employed by the State of Virginia to go to Europe as their agent to do some particular business. He rented his place to General Riedesel, whose horses in one week destroyed the whole labor of three or four years; and thus ended an experiment which, from every appearance, would in a year or two more have established the practicability of that branch of culture in America. This is the sum of the experiment as exactly as I am able to state it from memory, after such an interval of time, and I consign it to you in whose hands I know it will be applied with candor, if it contains anything applicable to the case for which it has been asked.

I have the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

TO MRS. RANDOLPH.

PHILADELPHIA, January 26, 1793.

MY DEAR MARTHA,— * * * * * * *

I have for some time past been under an agitation of mind which I scarcely ever experienced before, produced by a check on my purpose of returning home at the close of this session of Congress. My operations at Monticello had been all made to bear upon that point of time, my mind was fixed on it with a fondness which was extreme, the purpose firmly declared to the President, when I became assailed from all quarters with a variety of objections. Among these it was urged that my return just when I had been attacked in the public papers, would injure me in the eyes of the public, who would suppose I either withdrew from investigation, or because I had not tone of mind sufficient to meet slander. The only reward I ever wished on my retirement was to carry with me nothing like a disapprobation of the public. These representations have, for some weeks past, shaken a determination which I had thought the whole world could not have shaken. I have not yet finally made up my mind on the subject, nor changed my declaration to the President. But having perfect reliance in the disinterested friendship of some of those who have counseled and urged it strongly; believing that they can see and judge better a question between the public and myself than I can, I feel a possibility that I may be detained here into the summer. A few days will decide. In the meantime I have permitted my house to be rented after the middle of March, have sold such of my furniture as would not suit Monticello, and am packing up the rest and storing it ready to be shipped off to Richmond as soon as the season of good sea weather comes on. A circumstance which weighs on me next to the weightest is the trouble which, I foresee, I shall be constrained to ask Mr. Randolph to undertake. Having taken from other pursuits a number of hands to execute several purposes which I had in view this year, I cannot abandon those purposes and lose their labor altogether. I must, therefore, select the most

important and least troublesome of them, the execution of my canal, and (without embarrassing him with any details which Clarkson and George are equal to) get him to tell them always what is to be done and how, and to attend to the levelling the bottom; but on this I shall write him particularly if I defer my departure. I have not received the letter which Mr. Carr wrote to me from Richmond, nor any other from him since I left Monticello. My best affections to him, Mr. Randolph and your fireside, and am, with sincere love, my dear Martha, yours.

TO DR. STEWART, OR TO ALL THE GENTLEMEN.

January 31, 1793.

I have had under consideration Mr. Hallet's plans for the capitol, which undoubtedly have a great deal of merit. Doctor Thornton has also given me a view of his. These last came forward under some very advantageous circumstances. The grandeur, simplicity and beauty of the exterior, the propriety with which the apartments are distributed, and economy in the mass of the whole structure, will, I doubt not, give it a preference in your eyes, as it has done in mine and those of several others whom I have consulted. I have, therefore, thought it better to give the Doctor time to finish his plan, and for this purpose to delay until your next meeting a final decision. Some difficulty arises with respect to Mr. Hallet, who you know was in some degree led into his plan by ideas we all expressed to him. This ought not to induce us to prefer it to a better; but while he is liberally rewarded for the time and labor he has expended on it, his feelings should be saved and soothed as much as possible. I leave it to yourselves how best to prepare him for the possibility that the Doctor's plan may be preferred to his. Some ground for this will be furnished you by the occasion you will have for recourse to him as to the interior of the apartments, and the taking of him into service at a fixed allowance; and I understand that his necessities render it material that he should know what his allowance is to be.

TO MR. CARROLL.

PHILADELPHIA, February 1, 1793.

DEAR SIR,—Doctor Thornton's plan of a capitol has been produced, and has so captivated the eyes and judgment of all as to leave no doubt you will prefer it when it shall be exhibited to you; as no doubt exists here of its preference over all which have been produced, and among its admirers no one is more decided than him whose decision is most important. It is simple, noble, beautiful, excellently distributed, and moderate in size. The purpose of this letter is to apprize you of this sentiment. A just respect for the right of approbation in the commissioners will prevent any formal decision in the President till the plan shall be laid before you and be approved by you. The Doctor will go with it to your meeting in the beginning of March. In the meantime, the interval of *apparent* doubt may be improved for settling the mind of poor Hallet, whose merit and distresses interest every one for his tranquillity and pecuniary relief. I have taken the liberty of making these private estimates, thinking you would wish to know the true state of the sentiments here on this subject, and am with sincere respect and esteem for your colleagues and yourself, dear Sir, your most obedient humble servant.

Circular to the ministers of France, the United Netherlands, Great Britain, &c.

PHILADELPHIA, February 13, 1793.

SIR,—The House of Representatives having referred to me, to report to them the nature and extent of the privileges and restrictions on the commerce of the United States with foreign nations, I have accordingly prepared a report on that subject. Being particularly anxious that it may be exact in matters of fact, I take the liberty of putting into your hands, ***privately and informally***, an extract of such as relate to our commerce with your nation, in hopes that if you can either enlarge or correct

them, you will do me that favor. It is safer to suppress an error in its first conception, than to trust to any after-correction; and a confidence in your sincere desire to communicate or to re-establish any truths which may contribute to a perfect understanding between our two nations, has induced me to make the present request. I wish it had been in my power to have done this sooner, and thereby have obtained the benefit of your having more time to contemplate it; but circumstances have retarded the entire completion of the report till the Congress is approaching its end, which will oblige me to give it in within three or four days.

I am, with great and sincere esteem, Sir, your most obedient, and most humble servant.

P. S. The report having been prepared before the late diminution of the duties on our tobacco, that circumstance will be noted in the letter which will cover that report.

France receives favorably our bread stuff, rice, wood, pot and pearl ashes.

A duty of five sous the quintal, or nearly four and a half cents, is paid on our tar, pitch and turpentine. Our whale oils pay six livres the quintal, and are the only whale oils admitted. Our indigo pays five livres the quintal, their own two and a half; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one, of twenty livres the quintal.

Our ships are free to carry thither all foreign goods, which may be carried in their own or any other vessels, except tobaccos not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in

their ports and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres fifteen sous the quintal, carried in their own vessels, and twenty five livres, carried in ours; a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and maize, and prohibits our other bread stuff; but a suspension of this prohibition having been left to the colonial legislature, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands, under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

The *United Netherlands* prohibit our pickled beef and pork, meals, and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion, they intercept between us and the consumer, so much of the real value as is absorbed by the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in the vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges, which scarcely lessen their value.

In the American possessions of the United Netherlands, and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of.

Great Britain receives our pot and pearl ashes free, while those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron, of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay eleven pence sterling the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling three pence sterling the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings four pence sterling the hundred weight, which rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties: so are our grains, meals and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings sterling the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British Legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12. Car. 2. c. 18, s. 3,) from carrying thither all and any of our domestic productions and manufactures. A subsequent act, indeed, has authorized their executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given from year to year, by proclamation; but subject every moment to be withdrawn on that single will, in which event, our vessels having anything on

board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion, when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. It was privately believed, indeed, that the order of that court went further than their intention, and so we were, afterwards, officially informed; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement, as to other countries where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling nine pence sterling per ton, light and tritrity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries, under the useless charges of an intermediate deposit and double voyage.

From tables published in England, and composed, as is said, from the books of their Custom Houses, it appears, that of the indigo imported there in the years 1773–4–5, one third was re-exported; and from a document of authority, we learn that of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished; yet less so than reason and national interest would dictate. The whole of our grain is re-exported, when wheat is below fifty shillings the quarter, and other grains in proportion.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch and turpentine, rice and bread stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She

prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange, rum, molasses, sugar, coffee, cocoa nuts, ginger and pimento. There are, indeed, some freedoms in the island of Dominica, but under such circumstances as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called their navigation act.

Of our commercial objects, *Spain* receives favorably our bread stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, when re-exported to their colonies, they have lately imposed duties of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there.

Themselves and their colonies are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain, foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Spain and *Portugal* refuse to those parts of America which they govern, all direct intercourse with any people but them-

selves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some part of the dominant country, and the transportation between that and the subject State, must be in a domestic bottom.

TO MR. HAMMOND.

PHILADELPHIA, February 16, 1793.

SIR,—I have duly received your letter of yesterday, with the statement of the duties payable on articles imported into Great Britain. The object of the report, from which I had communicated some extracts to you, not requiring a minute detail of the several duties on every article, in every country, I had presented both articles and duties in groups, and in general terms, conveying information sufficiently accurate for the object. And I have the satisfaction to find, on re-examining the expression in the report, that they correspond with your statement as nearly as generals can with particulars. The differences which any nation makes between our commodities and those of other countries, whether favorable or unfavorable to us, were proper to be noted. But they were subordinate to the more important questions, what countries *consume* most of our produce, exact the lightest duties, and leave to us the most favorable balance?

You seem to think that in the mention made of your *official* communication of April the 11th, 1792, that the clause in the navigation act (prohibiting our own produce to be carried in our own vessels into the British European dominions) would be strictly enforced in future, and the *private belief* expressed at the same time, that the intention of that court did not go so far, that the latter terms are not sufficiently accurate. About the fact it is impossible we should differ, because it is a written one. The only difference then, must be a merely verbal one. For thus stands the fact: In your letter of April the 11th, you say, you have received, by a circular despatch from your court, directions to inform this government that it had been determined in future strict-

ly to enforce this clause of the navigation act. This I considered as an *official* notification. In your answer of April the 12th to my request of explanation, you say, "In answer to your letter of this day, I have the honor of observing, that I have no other instructions upon the subject of my communication, than such as are contained in the circular despatch, of which I stated the purport in my letter dated yesterday. I have, however, no difficulty in assuring you, that the result of my *personal conviction* is, that the determination of his Majesty's government to enforce the clause of the act, &c., is not intended to militate against the proclamation," &c. This *personal conviction* is expressed in the report as a *private belief*, in contradistinction to the *official* declaration. In your letter of yesterday, you choose to call it "a formal assurance of your conviction." As I am not scrupulous about words when they are once explained, I feel no difficulty in substituting in your report your own words, "*personal conviction*," for those of "*private belief*," which I had thought equivalent. I cannot indeed insert that it was a *formal* assurance, lest some readers might confound this with an *official* one, without reflecting that you could not mean to give *official* assurance that the clause would be enforced, and *official* assurance, at the same time, of your personal conviction that it would not be enforced.

I had the honor to acknowledge verbally the receipt of your letter of the 3d of August, when you did me that of making the inquiry verbally about six weeks ago; and I beg leave to assure you, that I am, with due respect, Sir, your most obedient, and most humble servant.

TO M. DE TERNANT.

PHILADELPHIA, February 17, 1793.

SIR,—I have duly received your letter of yesterday, and am sensible of your favor in furnishing me with your observations on the statement of the commerce between our two nations, of which I shall avail myself for the good of both. The omission

of our participation with your vessels, in the exclusive transportation of our tobacco, was merely that of the copy, as it was expressed in the original draught where the same circumstance respecting our whale oil was noted; and I am happy that your notice of it has enabled me to reinstate it before the report goes out of my hand.

I must candidly acknowledge to you, that I do not foresee the same effect in favor of our navigation, from the late reduction of duties on our tobaccos in France, which you seem to expect. The difference in favor of French vessels is still so great, as, in my opinion, to make it their interest to quit all other branches of the carrying business, to take up this; and as your stock of shipping is not adequate to the carriage of all your exports, the branches which you abandon will be taken up by other nations; so that this difference thrusts us out of the tobacco carriage, to let other nations in to the carriage of other branches of your commerce. I must therefore avail myself of this occasion to express my hope, that your nation will again revise this subject, and place it on more equal grounds. I am happy in concurring with you more perfectly in another sentiment, that as the principles of our governments become more congenial, the links of affection are multiplied between us. It is impossible they should multiply beyond our wishes. Of the sincere interest we take in the happiness and prosperity of your nation, you have had the most unequivocal proofs.

I pray you to accept assurances of sincere attachment to you personally, and of the sentiments of respect and esteem with which I am, Sir, your most obedient, and most humble servant.

TO M. DE TERNANT.

PHILADELPHIA, February 20, 1793.

SIR,—I have laid before the President of the United States your notification of the 17th instant, in the name of the Provisory Executive Council charged with the administration of your gov-

ernment, that the French natian has constituted itself into a Republic. The President receives with great satisfaction this attention of the Executive Council, and the desire they have manifested of making known to us the resolution entered into by the National Convention, even before a definitive regulation of their new establishment could take place. Be assured, Sir, that the government and the citizens of the United States, view with the most sincere pleasure every advance of your nation towards its happiness, an object essentially connected with its liberty, and they consider the union of principles and pursuits between our two countries, as a link which binds still closer their interests and affections. We earnestly wish on our part that these our natural dispositions may be improved to mutual good, by establishing our commercial intercourse on principles as friendly to natural right and freedom, as are those of our governments.

I am, with sincere esteem and respect, Sir, your most obedient, and most humble servant.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

PHILADELPHIA, Februaay 20, 1793.

SIR,—The House of Representatives, about the close of the session before the last, referred to me the report of a committee on a message from the President of the United States, of the 14th of February, 1791, with directions to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and measures for its improvement. The report was accordingly prepared during the ensuing recess, ready to be delivered at the next session, that is to say, at the last. It was thought possible at that time, however, that some changes might take place in the existing state of things, which might call for corresponding changes in measures. I took the liberty of mentioning this in a letter to the Speaker of the House of Representatives, to express an opinion that a suspension of proceedings thereon, for a time,

might be expedient, and to propose retaining the report till the present session, unless the House should be pleased to signify their pleasure to the contrary. The changes then contemplated have not taken place, nor, after waiting as long as the term of the session will admit, in order to learn something further on the subject, can anything definite thereon be now said. If, therefore, the House wishes to proceed on the subject, the report shall be delivered at a moment's warning. Should they not choose to take it up till their next session, it will be an advantage to be permitted to keep it by me till then, as some further particulars may perhaps be procured relative to certain parts of our commerce, of which precise information is difficult to obtain. I make this suggestion, however, with the most perfect deference to their will, the first intimation of which shall be obeyed on my part, so as to occasion them no delay.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THE MINISTER OF FRANCE.

PHILADELPHIA, February 23, 1793.

SIR,—I have laid before the President of the United States your notification of the 17th instant, in the name of the Provisory Executive Council, charged with the administration of your Government, that the French nation has constituted itself into a Republic. The President receives, with great satisfaction, this attention of the Executive Council and the desire they have manifested of making known to us the resolution entered into by the National Convention, even before a definitive regulation of their new establishment could take place. Be assured, Sir, that the Government and the citizens of the United States view with the most sincere pleasure every advance of your nation towards its happiness, an object essentially connected with its liberty, and they consider the union of principles and pursuits between

our two countries as a link which binds still closer their interests and affections. [The genuine and general effusions of joy which you saw overspread our country on their seeing the liberties of yours rise superior to foreign invasion and domestic trouble, have proved to you that our sympathies are great and sincere, and] we earnestly wish on our part that these, our mutual dispositions, may be improved to mutual good, by establishing our commercial intercourse on principles as friendly to natural right and freedom as are those of our Government. I am, with sincere esteem and respect, Sir, your most obedient, and most humble servant.

TO J. MADISON.

March, 1793.

The idea seems to gain credit that the naval powers combining against France, will prohibit supplies, even of provisions, to that country. Should this be formally notified, I should suppose Congress would be called, because it is a justifiable cause of war, and as the Executive cannot decide the question of war on the affirmative side, neither ought it to do so on the negative side, by preventing the competent body from deliberating on the question. But I should hope that war would not be their choice. I think it will furnish us a happy opportunity of setting another precious example to the world, by showing that nations may be brought to do justice by appeals to their interests as well as by appeals to arms. I should hope that Congress, instead of a denunciation of war, would instantly exclude from our ports all the manufactures, produce, vessels and subjects of the nations committing this aggression, during the continuance of the aggression, and till full satisfaction made for it. This would work well in many ways, safely in all, and introduce between nations another umpire than arms. It would relieve us, too, from the risks and the horrors of cutting throats. The death of the King of France has not produced as open condemnations from the monocrats as I expected. I dined the other day in a company where the sub-

ject was discussed. I will name the company in the order in which they manifested their partialities; beginning with the warmest Jacobinism, and proceeding by shades, to the most heart felt aristocracy. Smith, (N. Y.,) Coxe, Stewart, T. Shippen, Bingham, Peters, Breck, Meredith, Wolcott. It is certain that the ladies of this city, of the first circle, are open-mouthed against the murderers of a sovereign, and they generally speak those sentiments which the more cautious husband smothers. Ternant has at length openly hoisted the flag of monarchy by going into deep mourning for his prince. I suspect he thinks a cessation of his visits to me a neccessary accompaniment to this pious duty. A connection between him and Hamilton seems to be springing up. On observing that Duer was Secretary to the old Board of Treasury, I suspect him to have been the person who suggested to Hamilton the letter of mine to that board, which he so tortured in his Catullus. Dunlop has refused to print the piece which we had heard of before your departure, and it has been several days in Bache's hands, without any notice of it. The President will leave this about the 27th instant, and return about the 20th of April. Adieu.

TO MAJOR GENERAL GATES.

PHILADELPHIA, March 12, 1793.

DEAR GENERAL,—During the invasion of Virginia in 1780 and 178—, nearly the whole of the public records of that State were destroyed by the British. The least valuable part of these happens to be the most interesting to me, I mean the letters I had occasion to write to the characters with whom my office in the Executive brought me into correspondence. I am endeavoring to recover copies of my letters from the hands to whom they were addressed, and have been happy to find this more practicable than I had apprehended. While you commanded in the south, I had occasion to write to you sometimes on the subject of our proceedings. If you happen to have preserved these let-

ters, you will particularly oblige me by trusting me with them till I can have them copied, when the originals shall be returned. If you could repose the same confidence in me as to the letters you addressed to me, it would increase the obligation. The whole shall be sacredly returned. I have been the more disposed to trouble you on this occasion as it furnishes me a pretext of recalling myself to your recollection, and an opportunity of expressing to you assurances of the sincere esteem and respect with which I have the honor to be, dear General, your sincere friend and servant.

TO GOVERNEUR MORRIS.

PHILADELPHIA, March 12, 1793.

DEAR SIR,—Your Nos. 8 to 13, inclusive, have been duly received. I am sensible that your situation must have been difficult during the transition from the late form of government to the re-establishment of some other legitimate authority, and that you may have been at a loss to determine with whom business might be done. Nevertheless, when principles are well understood, their application is less embarrassing. We surely cannot deny to any nation that right whereon our own government is founded, that every one may govern itself according to whatever form it pleases, and change these forms at its own will; and that it may transact its business with foreign nations through whatever organ it thinks proper, whether King, Convention, Assembly, Committee, President, or anything else it may choose. The will of the nation is the only thing essential to be regarded. On the dissolution of the late constitution in France, by removing so integral a part of it as the King, the National Assembly, to whom a part only of the public authority had been delegated, appear to have considered themselves as incompetent to transact the affairs of the nation legitimately. They invited their fellow-citizens, therefore, to appoint a National Convention. In conformity with this their idea of the defective state of the national authority,

you were desired from hence to suspend further payments of our debt to France till new orders, with an assurance, however, to the acting power, that the suspension should not be continued a moment longer than should be necessary for us to see the re-establishment of some person or body of persons authorized to receive payment and give us a good acquittal; (if you should find it necessary to give any assurance or explanation at all.) In the meantime, we went on paying up the four millions of livres which had been destined by the last constituted authorities to the relief of St. Domingo. Before this was completed, we re-received information that a National Assembly had met, with full powers to transact the affairs of the nation, and soon afterwards, the minister of France here presented an application for three millions of livres, to be laid out in provisions to be sent to France. Urged by the strongest attachment to that country, and thinking it even providential that moneys lent to us in distress could be repaid under like circumstances, we had no hesitation to comply with the application, and arrangements are accordingly taken, for furnishing this sum at epochs accommodated to the demand and our means of paying it. We suppose this will rather overpay the instalments and interest due on the loans of eighteen, six, and ten millions, to the end of 1792; and we shall certainly use our utmost endeavors to make punctual payments of the instalments and interest hereafter becoming exigible, and to omit no opportunity of convincing that nation how cordially we wish to serve them. Mutual good offices, mutual affection, and similar principles of government, seem to destine the two nations for the most intimate communion; and I cannot too much press it on you, to improve every opportunity which may occur in the changeable scenes which are passing, and to seize them as they occur, for placing our commerce with that nation and its dependencies, on the freest and most encouraging footing possibly.

Besides what we have furnished publicly for the relief of St. Domingo, individual merchants of the United States have carried considerable supplies thither, which have been sometimes purchased, sometimes taken by force, and bills given by the admin-

istration of the colony on the minister here, which have been protested for want of funds. We have no doubt that justice will be done to these our citizens, and that without a delay which would be ruinous to them. We wish authority to be given to the minister of France here to pay the just demands of our citizens, out of the moneys he may receive from us.

During the fluctuating state of the *assignats* of France, I must ask the favor of you to inform me, in every letter, of the rate of exchange between them and coin, this being necessary for the regulation of our Custom Houses.

Congress closed its session on the 2d instant. You will see their acts in the newspapers forwarded to you, and the body of them shall be sent as soon as the octavo edition is printed. We are to hold a treaty with the western Indians in the ensuing month of May, but not under very hopeful auspices.

You will perceive by the newspapers, a remarkable fall in the price of our public paper. This is owing chiefly to the extraordinary demand for the produce of our country, and a temporary scarcity of cash to purchase it. The merchants holding public paper are obliged to part with it at any price, to raise money.

I sent you, by the way of London, a dozen plans of the city of Washington in the federal territory, hoping you would have them displayed to public view where they would be most seen by those descriptions of men worthy and likely to be attracted to it. Paris, Lyons, Rouen, and the sea port towns of Havre, Nantes, Bordeaux and Marseilles, would be proper places to send some of them. I trust to Mr. Taylor to forward you the newspapers by every direct occasion to France. These are rare at all times, and especially in the winter; and to send them through England would cost too much in postage. To these circumstances, as well, probably, as to some miscarriages, you must ascribe the length of intervals sometimes experienced in the receipt of your papers.

I have the honor to be, with great esteem and respect, dear Sir, your most obedient, and most humble servant.

TO GOVERNEUR MORRIS.

PHILADELPHIA, March 15, 1793.

DEAR SIR,—The President has seen with satisfaction, that the ministers of the United States in Europe, while they have avoided an useless commitment of their nation on the subject of the Marquis de La Fayette, have nevertheless shown themselves attentive to his situation. The interest which the President himself, and our citizens in general, take in the welfare of this gentleman, is great and sincere, and will entirely justify all prudent efforts to serve him. I am therefore to desire, that you will avail yourself of every opportunity of sounding the way towards his liberation, of finding out whether those in whose power he is are very tenacious of him, of insinuating through such channels as you shall think suitable, the attentions of the government and people of the United States to this object, and the interest they take in it, and of procuring his liberation by informal solicitations, if possible. But if formal ones be necessary, and the moment should arrive when you shall find that they will be effectual, you are authorized to signify, through such channel as you shall find suitable, that our government and nation, faithful in their attachments to this gentleman for the services he has rendered them, feel a lively interest in his welfare, and will view his liberation as a mark of consideration and friendship for the United States, and as a new motive for esteem and a reciprocation of kind offices towards the power to whom they shall be indebted for this act.

A like letter being written to Mr. Pinckney, you will of course take care, that however you may act through different channels, there be still a sufficient degree of concert in your proceedings.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MR. PINCKNEY.

PHILADELPHIA, March 16, 1793.

DEAR SIR,—I wrote you on the 30th of December, and again a short letter on the 1st of January, since which I have received yours of October the 2d and 5th, November 6th and 9th, and December the 13th, 14th, 15th. I now enclose you the Treasurer's second of exchange for twenty-four thousand seven hundred and fifty guilders, to be employed in the purchase of copper for the mint, from Sweden, or wherever else it can be got on the best terms; the first of exchange having been enclosed in my letter of December the 30th.

I am in hopes you will have been able to enter into proper arrangements with the British minister for the protection of our seamen from impressment, before the preparations for war shall have produced incovenience to them. While he regards so minutely the inconveniences to themselves which may result from a due regulation of this practice, it is just he should regard our inconveniences also, from the want of it. His observations in your letter imply merely, that if they should abstain from injuring us, it might be attended with inconvenience to themselves.

You ask, what should be your conduct, in case you should at any time discover negotiations to be going on, which might eventually be interesting to us? The nature of the particular case will point out what measures, on your part, would be the most for our interest, and to your discretion we must refer the taking such measures, without waiting for instructions, where circumstances would not admit of such a delay. A like necessity to act may arise on other occasions. In the changeable scenes, for instance, which are passing in Europe, were a moment to offer when you could obtain any advantage for our commerce, and especially in the American colonies, you are desired to avail us of it to the best advantage, and not to let the occasion slip by for want of previous instruction.

You ask, what encouragements are given to emigrants by the several States? No other than a permission to become citizens,

and to participate of the rights of citizens, except as to eligibility to certain offices in the government. The rules, as to these, are not uniform in the States. I have found it absolutely impracticable to obtain, even for my office, a regular transmission of the laws of the several States: consequently, it would be more so to furnish them to our ministers abroad. You will receive by this or the first proper conveyance, those of Congress, passed at their last session.

It is impossible for me to give any authority for the advance of moneys to Mr. Wilson. Were we to do it in his case, we should, on the same principles, be obliged to do it in several others wherein foreign nations decline or delay doing justice to our citizens. No law of the United States would cover such an act of the executive; and all we can do legally, is, to give him all the aid which our patronage of his claims with the British court, can effect.

With respect to the payment of your allowances, as the laws authorize the payment of a given number of dollars to you, and as your duties place you in London, I suppose we are to pay you *the dollars* there, or other money of equal value, estimated by the par of the metals. Such has, accordingly, been the practice ever since the close of the war. Your powers to draw on our bankers in Holland, will leave you the master of fixing your drafts by this standard.

The transactions of Europe are now so interesting, that I should be obliged to you, every week, to put the Leyden gazettes of the week under cover to me; and put them into such ship's bags as shall be first coming to any port north of North Carolina.

Mr. Barclay's death is just made known to us, and measures are taking in consequence of it.

You will perceive by the newspapers, a remarkable fall in the price of our public paper. This is owing chiefly to the extraordinary demand for the produce of our country, and a temporary scarcity of cash to purchase it. The merchants holding public paper are obliged to part with it at any price, to raise money.

I am, with much respect, dear Sir, your most obedient, and most humble servant.

TO ———*

PHILADELPHIA, March 18, 1793.

DEAR SIR,—I received your kind favor of the 26th ult., and thank you for its contents as sincerely as if I could engage in what they propose. When I first entered on the stage of public life (now twenty-four years ago), I came to a resolution never to engage while in public office in any kind of enterprise for the improvement of my fortune, nor to wear any other character than that of a farmer. I have never departed from it in a single instance; and I have in multiplied instances found myself happy in being able to decide and to act as a public servant, clear of all interest, in the multiform questions that have arisen, wherein I have seen others embarrassed and biased by having got themselves into a more interested situation. Thus I have thought myself richer in contentment than I should have been with any increase of fortune. Certainly I should have been much wealthier had I remained in that private condition which renders it lawful and even laudable to use proper efforts to better it. However, my public career is now closing, and I will go through on the principle on which I have hitherto acted. But I feel myself under obligations to repeat my thanks for this mark of your attention and friendship.

We have just received here the news of the decapitation of the King of France. Should the present foment in Europe not produce republics everywhere, it will at least soften the monarchical governments by rendering monarchs amenable to punishment like other criminals, and doing away that rages of insolence and oppression, the inviolability of the King's person. We I hope shall adhere to our republican government, and keep it to its original principles by narrowly watching it. I am, with great and sincere affection, dear Sir, your friend and servant.

[* No address.]

TO COLONEL HUMPHREYS.

PHILADELPHIA, March 21, 1793.

SIR,—The death of Admiral Paul Jones first, and afterwards of Mr. Barclay, to whom the mission to Algiers, explained in the enclosed papers, was successively confided, have led the President to desire you to undertake the execution of it in person. These papers, being copies of what had been delivered to them, will serve as your guide. But Mr. Barclay having been also charged with a mission to Morocco, it will be necessary to give you some trouble with respect to that also.

Mr. Nathaniel Cutting, the bearer hereof, is despatched specially, first to receive from Mr. Pinckney in London any papers or information, which his agency in the Algerine business may have enabled him to communicate to you: he will then proceed to deliver the whole to you, and accompany and aid you in the character of secretary.

It is thought necessary that you should, in the first instance, settle Mr. Barclay's accounts respecting the Morocco mission, which will probably render it necessary that you should go to Gibraltar. The communications you have had with Mr. Barclay in this mission, will assist you in your endeavors at a settlement. You know the sum received by Mr. Barclay on that account, and we wish as exact a statement as can be made of the manner in which it has been laid out, and what part of its proceeds is now on hand. You will be pleased to make an inventory of these proceeds now existing. If they or any part of them can be used for the Algerine mission, we would have you by all means apply them to that use, debiting the Algerine fund and crediting that of Morocco with the amount of such application. If they cannot be so used, then dispose of the perishable articles to the best advantage, and if you can sell those not perishable for what they cost, do so, and what you cannot so sell, deposit in any safe place under your own power. In this last stage of the business, return us an exact account, 1. Of the specific articles remaining on hand for that mission, and their value. 2. Of its cash on hand. 3.

Of any money which may be due to or from Mr. Barclay or any other person on account of this mission; and take measures for replacing the clear balance of cash in the hands of Messrs. W. and J. Willincks, and Nicholas and Jacob Van Staphorsts and Hubard.

This matter being settled, you will be pleased to proceed on the mission to Algiers. This you will do by the way of Madrid, if you think any information you can get from Mr. Carmichael or any other, may be an equivalent for the trouble, expense and delay of the journey. If not, proceed in whatever other way you please to Algiers.

Proper powers and credentials for you, addressed to that government, are herewith enclosed. The instructions first given to Admiral Paul Jones are so full that no others need be added, except a qualification in one single article, to wit: should that government finally reject peace on the terms in *money*, to which you are authorized to go, you may offer to make the first payments for peace and that for ransom in *naval stores*, reserving the right to make the subsequent annual payments in money.

You are to be allowed your travelling expenses, your salary as minister resident in Portugal going on. Those expenses must be debited to the Algerine mission, and not carried into your ordinary account as resident. Mr. Cutting is allowed one hundred dollars a month, and his expenses, which, as soon as he joins you, will of course be consolidated with yours. We have made choice of him as particularly qualified to aid, under your direction, in the matters of account, with which he is well acquainted. He receives here an advance of one thousand dollars, by a draft on our bankers in Holland, in whose hands the fund is deposited. This, and all other sums furnished him, to be debited to the Algerine fund. I enclose you a letter to our bankers giving you complete authority over these funds, which you had better send with your first draft, though I send a copy of it from hence by another opportunity.

This business being done, you will be pleased to return to Lisbon, and to keep yourself and us, thereafter, well informed of the

transactions in Morocco; and as soon as you shall find that the succession to that government is settled and staple, so that we may know to whom a commissioner may be addressed, be so good as to give us the information, that we may take measures in consequence.

I have the honor to be, with much respect, Sir, your most obedient, and most humble servant.

TO SAMUEL SHAW, CONSUL AT CANTON, IN CHINA.

PHILADELPHIA, March 21, 1793.

SIR,—Present appearances in Europe rendering a general war there probable, I am to desire your particular attention to all the indications of it, and on the first imminent symptoms of rupture among the maritime powers, to put our vessels on their guard. In the same event the patronage of our Consuls will be particularly requisite to secure to our vessels the right of neutrality, and protect them against all invasions of it. You will be pleased, also, in the same case, to give no countenance to the usurpation of our flag by foreign vessels, but rather, indeed, to aid in detecting it, as without bringing to us any advantage, the usurpation will tend to commit us with the belligerent powers, and to subject those vessels which are truly ours to harrassing scrutinies in order to distinguish them from the counterfeits.

The law requiring the Consuls of the United States to give bond with two or more good sureties for the faithful performance of their duties, I enclose you a blank bond for that purpose. According to a standing regulation which places our Consuls in Europe in relation with the Minister of the United States in the same country with them, if there be one, and if none, then with their minister in Paris, and our Consuls in America in immediate relation with the Secretary of State, you will be pleased to have your sureties approved by the person to whom you stand thus referred, and to send the bond when executed, by a safe conveyance, to the Secretary of State, to be disposed of according to

law; and this with all the expedition the case will admit, provided this should not have been done before. A set of the laws of the United States is likewise herewith enclosed, together with a copy of a former circular letter, intended as a standing instruction to our Consuls.

I am, with esteem, Sir, your most obedient, and most humble servant.

TO COLONEL DAVID.

PHILADELPHIA, March 22, 1793.

DEAR SIR,—I thank you sincerely for your friendly letter of January 8. Particular circumstances have forced me to protract awhile my departure from office, which, however, will take place in the course of the year. Continue, therefore, if you please, the general address of your letters, to "The Secretary of State," &c., as recommended. Be assured that I shall carry into retirement and retain the most affectionate sentiments towards you. I am, in truth, worn down with drudgery, and while every circumstance relative to my private affairs calls imperiously for my return to them, not a single one exists which could render tolerable a continuation in public life. I do not wonder that Captain O'Bryan has lost patience under his long-continued captivity, and that he may suppose some of the public servants have neglected him and his brethren. He may possibly have imputed neglect to me, because a forbearance to correspond with him would have that appearance, though it was dictated by the single apprehension, that if he received letters from me as Minister Plenipotentiary of the United States at Paris, or as Secretary of State, i would increase the expectations of the captors, and raise the ransom beyond what his countrymen would be disposed to give, and so end in their perpetual captivity. But, in truth, I have labored for them constantly and zealously in every situation in which I have been placed. In the first moment of their captivity, I first proposed to Mr. Adams to take upon ourselves their ransom,

though unauthorized by Congress. I proposed to Congress and obtained their permission to employ the Order of Mercy in France for their ransom, but never could obtain orders for the money till just as I was leaving France, and was obliged to turn the matter over to Mr. Short. As soon as I came here I laid the matter before the President and Congress in two long reports, but Congress could not decide till the beginning of 1792, and then clogged their ransom by a previous requisition of peace. The unfortunate death of two successive commissioners have still retarded their relief, and even should they be now relieved, will probably deprive me of the gratification of seeing my endeavors for them crowned at length with success by their arrival when I am here. It would, indeed, be grating to me if, after all, I should be supposed by them to have been indifferent to their situation. I will ask of your friendship to do me justice in their eyes, that to the pain I have already felt for them, may not be added that of their dissatisfaction. I explained my proceedings on their behalf to a Dr. Warner, whom I saw at Paris, on his way to Algiers, and particularly the reason why I did not answer O'Bryan's letter. I desired him to communicate it to Captain O'Bryan. But I did not know whether he did it. I think it more probable that Mr. Carmichael will impute to me also an event which must take place this year. In truth, it is so extraordinary a circumstance, that a public agent placed in a foreign court for the purpose of correspondence, should, in three years, have found means to get but one letter to us, that he must himself be sensible that if he could have sent us letters, he ought to be recalled as negligent, and if he could not, he ought to be recalled as useless. I have, nevertheless, procured his continuance, in order to give him an opportunity which occurred of his rendering a sensible service to his country, and thereby drawing some degree of favor on his return.

Wishing you every circumstance of success and happiness, I am, with great esteem, dear Sir, your sincere friend and servant.

TO COLONEL HUMPHREYS.

PHILADELPHIA, March 22, 1793.

DEAR SIR,—I have to acknowledge the receipt of your letters from No. 60 to 67, inclusive. You cannot be too vigilant against any such treaty as that mentioned in No. 60, which, by giving the exclusive supply of wheat to Naples, would altogether debar the United States from it. This would bear so hard on us, that not only an exclusion of their wines from the United States ought to be expected on their part, but every other measure which might open to us a market *in any other part of the world*, however Portugal might be affected by it. And I must forever repeat it, that, instead of excluding our *wheat*, we must continue to hope that they will open their ports to our *flour*, and that you will continue to use your efforts, on every good occasion, to obtain this without waiting for a treaty.

As there appears at present a probability of a very general war in Europe, you will be pleased to be particularly attentive to preserve for our vessels all the rights of neutrality, and to endeavor that our flag be not usurped by others to procure to themselves the benefits of our neutrality. This usurpation tends to commit us with foreign nations, to subject those vessels truly ours to rigorous scrutinies and delays, to distinguish them from counterfeits, and to take the business of transportation out of our hands.

Continue, if you please, your intelligence relative to the affairs of Spain, from whence we learn nothing but through you; to which it will be acceptable that you add leading events from other countries, as we have several times received important facts through you, even from London, sooner than they have come from London directly.

The letters enclosed for Mr. Carmichael and Mr. Short are of a very secret nature. If you go by Madrid, you will be the bearer of them yourself; if not, it would be better to retain them than to send them by any conveyance which does not command your entire confidence. I have never yet had a letter from Mr. Carmichael but the one you brought from Madrid. A particular circumstance will occasion forbearance yet a little longer.

Captain Cutting will bring you a copy of the laws of the last session of Congress, and of the gazettes to the time of his departure.

Not yet knowing the actual arrival of Mr. Church at Lisbon, I believe it will be safer that I direct letters for you, during your absence, to Messrs. Bulkeley and Son, with whom you will leave what directions on the subject you shall think proper.

I am, with great and sincere esteem and respect, dear Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.*

PHILADELPHIA, March 23, 1793.

GENTLEMEN,—It is intimated to us in such a way as to attract our attention, that France means to send a strong force early this spring to offer independence to the Spanish American colonies, beginning with those on the Mississippi; and that she will not object to the receiving those on the east side into our confederation. Interesting considerations require, that we should keep ourselves free to act in this case according to circumstances, and consequently, that you should not, by any clause of treaty, bind us to guarantee any of the Spanish colonies against their own independence, nor indeed against any other nation. For when we thought we might guarantee Louisiana, on their ceding the Floridas to us, we apprehended it would be seized by Great Britain, who would thus completely encircle us with her colonies and fleets. This danger is now removed by the concert between Great Britain and Spain; and the times will soon enough give independence, and consequently free commerce to our neighbors, without our risking the involving ourselves in a war for them.

I am, with great respect and esteem, your most obedient humble servant.

† The above meets the approbation of

GEORGE WASHINGTON.

[* This letter was in cypher, but a literal copy of it preserved.]

[† This is in the handwriting of General Washington.]

TO MR. DUMAS

PHILADELPHIA, March 24, 1793.

DEAR SIR,--I have to acknowledge the receipt of your favors of September 20, March 13, and Jan. 9. I shall hope your continuance to send us the Leyden Gazette as usual, but all the other gazettes which you have hitherto usually sent, may be discontinued. The scene in Europe is becoming very interesting. Amidst the confusion of a general war which seems to be threatening that quarter of the globe, we hope to be permitted to preserve the line of neutrality. We wish not to meddle with the internal affairs of any country, nor with the general affairs of Europe. Peace with all nations, and the right which that gives us with respect to all nations, are our object. It will be necessary for all our public agents to exert themselves with vigilance for securing to our vessels all the rights of neutrality, and from preventing the vessels of other nations from usurping our flag. This usurpation tends to commit us with the belligerent power, to draw on those vessels truly ours, vigorous visitations to distinguish them from the counterfeits, and to take business from us. I recommend these objects to you. I have done the same to Mr. Greenleaf, lately appointed our Consul at Amsterdam. Be so good as to remember to send your account immediately after the 30th of June. I forward for you to Mr. Pinckney a copy of the laws of the late session of Congress; and am, with sincere esteem, dear Sir, your most obedient humble servant.

TO COLONEL HAMILTON.

PHILADELPHIA, March 27, 1793.

SIR,—In compliance with the desire you expressed, I shall endeavor to give you the view I had of the destination of the loan of three millions of florins, obtained by our bankers in Amsterdam, previous to the acts of the 4th and 12th of August, 1790, when it was proposed to adopt it under those acts. I am encouraged to do this by the degree of certainty with which I can do

it, happening to possess an official paper wherein I had committed to writing some thoughts on the subject, at the time, that is to say, on the 26th of August, 1790. The general plan presented to view, according to my comprehension of it, in your report and draught of instructions, was, 1, to borrow, on proper terms, such a sum of money as might answer all demands for principal and interest of the foreign debt due to the end of 1791; 2, to consider two of the three millions of florins already borrowed as if borrowed under the act of August 4, and so far an execution of the operation before mentioned; 3, to consider the third million of florins so borrowed as if borrowed under the act of the 12th of August, and so far an execution of the powers given to the President to borrow two millions of dollars for the purchase of the public debt. I remember that the million of dollars surplus of the domestic revenues, appropriated to the purchase of the public debt, appeared to me sufficient for that purpose *here*, for probably a considerable time. I thought, therefore, if any part of the three millions of florins were to be placed under the act of the 12th of August, that it should rather be employed in purchasing our *foreign paper* at the market of Amsterdam. I had myself observed the different degrees of estimation in which the paper of different countries was held at that market, and wishing that our credit there might always be of the first order, I thought a moderate sum kept in readiness there to buy up any of our *foreign paper*, whenever it should be offered below par, would keep it constantly to that mark, and thereby establish for us a sound credit, where, of all places in the world, it would be most important to have it.

The subject, however, not being with my department, and therefore having no occasion afterwards to pay attention to it, it went out of my mind altogether, till the late inquiries brought it forward again. On reading the President's instructions of August 28, 1790 (two days later than the paper before mentioned), as printed in your report of February 13, 1793, in the form in which they were ultimately given to you, I observed that he had therein neither confirmed *your* sentiment of employing a part of the mo-

ney *here*, nor *mine* of doing it *there*, in purchases of the public debt; but had directed the application of the whole to the *foreign debt;* and I inferred that he had done this on full and just deliberation, well knowing he would have time enough to weigh the merits of the two opinions, before the million of dollars would be examined *here*, or the loans for the foreign debt would overrun their legal measure *there*. In this inference, however, I might be mistaken; but I cannot be in the fact that these instructions gave a sanction to neither opinion.

I have thus, Sir, stated to you the view I had of this subject in 1790, and I have done it because you desired it. I did not take it up then as a volunteer, nor should now have taken the trouble of recurring to it, but at your request, as it is one in which I am not particularly concerned, which I never had either the time or inclination to investigate, and on which my opinion is of no importance.

I have the honor to be, with respect, Sir, your most obedient humble servant.

TO J. MADISON.

PHILADELPHIA, April 7, 1793.

We may now, I believe, give full credit to the accounts that war is declared between France and England. The latter having ordered Chauvelen to retire within eight days, the former seemed to consider it as too unquestionable an evidence of an intention to go to war, to let the advantage slip of her own readiness and the unreadiness of England. Hence, I presume, the first declaration from France. A British packet is arrived; but as yet we have nothing more than that she confirms the accounts of war being declared. Genett not yet arrived. An impeachment is ordered here against Nicholson, their Comptroller General, by a vote almost unanimous of the House of Representatives. There is little doubt, I am told, that much *mala fides* will appear; but E. R. thinks he has barricaded himself within the fences of the law. * * * * Yours affectionately.

TO MR. HAMMOND.

PHILADELPHIA, April 18, 1793.

SIR,—I have now the honor to enclose you the answer of the Attorney General to my letter covering yours of March the 12th, on the case of Hooper and Pagan, wherein he has stated the proceedings of Pagan for obtaining a writ of error from the Supreme Court of the United States, for revisal of the judgment of the inferior court pronounced against him; and also, his opinion on the merits of the question, had the writ of error been procured, and the merits thereby been brought into question. From this statement you will be able to judge whether Pagan has, *bona fide*, complied with the rule which requires that a foreigner, before he applies for extraordinary interposition, should use his best endeavors to obtain the justice he claims from the ordinary tribunals of the country. You will perceive also, that had the writ been pressed for and obtained, and the substantial justice of Pagan's claim thereby brought into discussion, substantial justice would have been against him, according to the opinion of the Attorney General, according to the uniform decisions of the courts of the United States, even in the cases of their own citizens, and according to the decision of this very case in the British provincial court, where the evidence was taken and the trial first had. This does not appear then to be one of those cases of gross and palpable wrong, ascribable only to wickedness of the heart, and not to error of the head, in the judges who have decided on it, and founding a claim of national satisfaction. At least, that it is so, remains yet to be demonstrated.

The readiness with which the government of the United States has entered into inquiries concerning the case of Mr. Pagan, even before that case was ripe for their interposition, according to ordinary rules, will, I hope, satisfy you that they would, with equal readiness, have done for the redress of his case whatever the laws and Constitution would have permitted them to do, had it appeared in the result that their courts had been guilty of partiality or other gross wrong against Mr. Pagan. On the contrary,

it is hoped, that the marked attentions which have been shown to him by the government of Massachusetts, as well as by that of the United States, have evinced the most scrupulous dispositions to patronize and effectuate his right, had right been on his side. I have the honor to be, with due respect, Sir, your most humble servant.

[*The letter of the Attorney General, referred to in the preceding.*]

TO THE SECRETARY OF STATE.

PHILADELPHIA, April 12, 1793.

SIR,—You will perceive from the two letters marked A. and B. of which I enclose copies, that the subject of Mr. Pagan has been for some time in my view. The former of those letters being intended for you, and containing a summary of facts, I determined to show it to Mr. Tilghman, who was Pagan's counsel, before it was sent to you, in order that he might correct any misstatement. This produced the latter letter from him to me; and I have thought it more advisable to forward both of them to you, even in the unfinished state of my own, than to reduce the case into a form which might be supposed to be less accurate.

As I do not discover an essential difference between Mr. Tilghman and myself, I shall not discuss any seeming variance, but proceed upon his ideas.

It is too obvious to require a diffusive exposition, that the application for a writ of error was not only prudent, but a duty in Pagan. To this Mr. Tilghman explicitly assents, when he says that he was perfectly "satisfied of the prudence of applying for the writ of error, as Pagan could not complain of a defect of justice, until he had tried the writ of error and found that mode ineffectual." This remark becomes the more important, as it manifests that the process was not suggested as an expedient for shifting any burthen from the government. Indeed I may with truth add, that the proceedings, taken collectively, appeared to me to present a sufficient intimation of the main question, to serve as a ground of decision.

However, take the case under either aspect; as excluding the consideration of the main question by an omission in the pleadings and record; or as exhibiting it fully to the cognizance of the court.

It never was pretended that a writ of error ought to have been granted, unless the matter was apparent on the record. Whose office was it to make it thus apparent? Of the attorney who managed the pleadings. If, therefore, he has failed to do so, we may presume that he considered the ground untenable, or was guilty of inattention. Either presumption would be fatal to a citizen of the United States; and the condition of a foreigner cannot create a new measure in the administration of justice. It is moreover certain, that those who have been consulted on Pagan's behalf, as well as others, have seriously doubted whether a cause, which has been pursued to the extent which his had reached before the commencement of our new government, was susceptible of federal relief.

The last observation opens the inquiry, what remedy ought the Supreme Court of the United States to have administered, even if the question had been fairly before them? My opinion is, that the very merits are against Mr. Pagan. In America, the construction of the armistice has been almost universally to compute the places, within which different times were to prevail, by latitude only. Am I misinformed, that such an interpretation has been pressed by *our* ministers, and not denied by those of London? A second mode has been adopted, by describing a circle, and thereby comprehending longitude as well as latitude; now let either rule be adopted, and the position of the capture in this case will be adverse to Pagan's pretensions.

But what can be exacted from our government, after repeated trials, before various jurisdictions, none of which can be charged with any symptom of impropriety, and upon a subject, which, to say no more, is at least equipoised? Nothing; and I appeal to the British reasoning on the Silesia loan, as supporting this sentiment, in the following passage: "The law of nations, founded upon justice, equity, convenience and the reason of the thing,

and confirmed by long usage, does not allow of reprisals, except in case of violent injuries directed and supported by the State, and justice absolutely denied, in *re minime dubia*, by all the tribunals, and afterwards by the prince." Where the judges are left free, and give sentence according to their consciences, "though it should be erroneous, that would be no ground for reprisals. Upon doubtful questions, different men think and judge differently; and all a friend can desire is, that justice should be as impartially administered to him, as it is to the subjects of that prince, in whose courts the matter is tried." Under such circumstances, a citizen must acquiesce. So therefore must Pagan; against whom even the court of Nova Scotia, within the dominions of his sovereign, has once decided.

There are many smaller points, arising from the controversy, which might be relied on. But I pass them over, from a hope that the observations already made will induce you to think with me, that government is not bound to interpose farther in the behalf of Pagan. I have the honor, Sir, to be, with respect and esteem, your most obedient servant,

EDMOND RANDOLPH.

TO MR. PINCKNEY.

PHILADELPHIA, April 20, 1793.

DEAR SIR,—In a postscript to my letter of the 12th, I acknowledged the receipt of yours of January the 3d; since which, those of January the 30th and February the 5th have been received by the William Penn.

With respect to our negotiation with Mr. Hammond, it is exactly in the state in which it was when you left America, not one single word having been received in reply to my general answer, of which you had a copy. He says, he waits for instructions, which he pretends to expect from packet to packet. But sometimes the ministers are all in the country, sometimes they are absorbed in negotiations nearer home, sometimes it is the

hurry of impending war, or attention to other objects, the stock of which is inexhaustible, and can therefore never fail those who desire nothing but that things shall rest as they are. Perhaps, however, the present times may hasten justice.

We shall be glad to receive the assayer you hope to procure, as soon as possible, for we cannot get one in this country equal to the business in all its parts. With respect to Mr. Drost, we retain the same desire to engage him, but we are forced to require an immediate decision, as the officer employed in the interim, and who does tolerably well, will not continue much longer under an uncertainty of permanent employment. I must therefore desire you to press Mr. Morris to bring Drost to an immediate determination; and we place the matter on this ground with him, that if he is not embarked by the first day of July next, we shall give a permanent commission to the present officer, and be free to receive no other. We are likely to be in very great distress for copper for the mint, and must therefore press your expediting what we desired you to order from Sweden.

You may, on every occasion, give assurances which cannot go beyond the real desires of this country, to preserve a fair neutrality in the present war, on condition that the rights of neutral nations are respected in us, as they have been settled in *modern* times, either by the express declarations of the powers of Europe, or their adoption of them on particular occasions. From our treaties with France and Holland, and that of England and France, a very clear and simple line of conduct can be marked out for us, and I think we are not unreasonable in expecting that England shall recognize towards us the same principles which she has stipulated to recognize towards France, in a state of neutrality.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MR. VAN BERKEL.

PHILADELPHIA, April 23d, 1793.

SIR,—As far as the public gazettes are to be credited, we may presume that war has taken place among several of the nations of Europe, in which France, England, Holland and Russia, are particularly engaged. Disposed, as the United States are, to pursue steadily the ways of peace, and to remain in friendship with all nations, the President has thought it expedient, by Proclamation, of which I enclose you a copy, to notify this disposition to our citizens, in order to intimate to them the line of conduct for which they are to prepare; and this he has done without waiting for a formal notification from the belligerent Powers. He hopes that those Powers and your nation in particular, will consider this early precaution as a proof, the more candid, as it has been unasked, for the sincere and impartial intentions of our country, and that what is meant merely as a general intimation to our citizens, shall not be construed to their prejudice in any Courts of Admiralty, as if it were conclusive evidence of their knowledge of the existence of war, and of the Powers engaged in it. Of this we could not give them conclusive information, because we have it not ourselves; and till it is given us in form, and so communicated to them, we must consider all their acts as lawful, which would have been lawful in a state of peace. I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

CIRCULAR TO MESSSRS. MORRIS, PINCKNEY AND SHORT.

PHILADELPHIA, April 26, 1793.

SIR,—The public papers giving us reason to believe that the war is becoming nearly general in Europe, and that it has already involved nations with which we are in daily habits of commerce and friendship, the President has thought it proper to issue the proclamation of which I enclose you a copy, in order

to mark out to our citizens the line of conduct they are to pursue. That this intimation, however, might not work to their prejudice, by being produced against them as conclusive evidence of their knowledge of the existence of war and of the nations engaged in it, in any case where they might be drawn into courts of justice for acts done without that knowledge, it has been thought necessary to write to the representatives of the belligerent powers here, the letter of which a copy is also enclosed, reserving to our citizens those immunities to which they are entitled, till authentic information shall be given to our government by the parties at war, and be thus communicated, with due certainty, to our citizens. You will be pleased to present to the government where you reside, this proceeding of the President, as a proof of the earnest desire of the United States to preserve peace and friendship with all the belligerent powers, and to express his expectation that they will in return extend a scrupulous and effectual protection to all our citizens, wheresoever they may need it, in pursuing their lawful and peaceable concerns with their subjects, or within their jurisdiction. You will, at the same time, assure them that the most exact reciprocation of this benefit shall be practised by us towards their subjects, in the like cases.

I have the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

TO M. DE TERNANT.

PHILADELPHIA, April 27, 1793.

SIR,—Your letter of the 13th instant, asking moneys to answer the expenses and salaries of the consular offices of France, has been duly laid before the President, and his directions thereon taken.

I have in consequence to observe to you, that before the new government of France had time to attend to things on this side the Atlantic, and to provide a deposit of money for their pur-

poses here, there appeared a degree of necessity that we, as the friends and debtors of that nation, should keep their affairs from suffering, by furnishing money for urgent purposes. This obliged us to take on ourselves to judge of the purpose, because, on the soundness of that, we were to depend for our justification. Hence we furnished moneys for their colonies and their agents here, without express authority, judging from the importance and necessity of the case, that they would approve of our interference.

But this kind of necessity is now at an end; the government has established a deposit of money in the hands of their minister here, and we have nothing now to do but to furnish the money, which we are in the course of doing, without looking into the purposes to which it is to be applied. Their minister is to be the judge of these, and to pay it to whom and for what he pleases.

If it be urged that they have appropriated all the money we are furnishing to other objects, that you are not authorized to divert any of it to any other purpose, and therefore that you *need a further sum*, it may be answered that it will not lessen the stretch of authority to add an *unauthorized payment by us* to an *unauthorized application* by you, and that it seems fitter that their minister should exercise a discretion over their appropriations, standing, as he does, in a place of confidence, authority, and responsibility, than we who are strangers, and unamenable to them. It is a respect we owe to their authority to leave to those acting under that, the transactions of their affairs, without an intermeddling on our part which might justly appear officious.

In this point of light, I hope you will view our conduct, and that the consular officers will be sensible that in referring them to your care, under which the national authority has placed them, we do but conform ourselves to that authority. I have the honor to be, with sentiments of great respect and esteem, Sir your most obedient, and most humble servant.

TO THE SECRETARY OF THE TREASURY.

PHILADELPHIA, May 1, 1793.

SIR,—When you mentioned to me yesterday that M. de Ternant proposed to apply for a sum of money, and founded himself on a letter of mine which gave him reason to expect it, I thought I could not have written such a letter, because I did not recollect it, and because it was out of the plan which you know had been adopted, that when we furnished one sum of money we should avoid promising another. I have now most carefully examined all my letters to M. de Ternant, as far back as March 7, 1792, the date of the first on the subject of furnishing money, and can assure you there is not a word in one of them which can be construed into a promise, expressed or implied, relative to the present subject, or which can have committed the government in the smallest degree to a departure from the rules it has laid down. I am equally confident that I have never said a word which could do it. Upon the ground, therefore, of any such commitment by me, the proposition will not be supported. With respect to these applications in general, they were of course to pass through me; but I have considered them as depending too much on the arrangements of your department to permit myself to take and be tenacious of any particular ground other than that, whatever rule we adopt, it be plain and persevered in uniformly in all cases where the material circumstances are the same, so that we never refuse to one what has been done for another. It is and ever has been my opinion and wish that we should gratify the diplomatic gentlemen in every way in which we can do it without too great inconvenience or commitment of our own government. I think it our interest to do so; and am under this impression in the present case so much, that I should readily concur, if it be the pleasure of the President, in reconsidering the rule adopted on a late occasion, and substituting any other consistent with our public duties, more adapted to the gratification of the diplomatic gentlemen, and uniformly to be applied where the material circumstances shall be the same; for it would reverse

our aim were we to put ourselves in the case of disobliging one by refusing what we have done to gratify another. In these sentiments, I will hand to the President any application which M. de Ternant shall think proper to communicate to me in writing. I have the honor to be, with great respect, Sir, your most obedient humble servant.

TO M. DE TERNANT.

PHILADELPHIA, May 3, 1793.

SIR,—The Minister Plenipotentiary of his Britannic Majesty has represented to the government of the United States, that on the 25th of April last, the British ship Grange, while lying at anchor in the bay of Delaware, within the territory and jurisdiction of the United States, was taken possession of by the Embuscade, a frigate of the French Republic, has been brought to this port, where she is now detained as prize, and the crew as prisoners, and has made a requisition in form, for a restoration of the vessel and liberation of the crew. I have the honor to furnish you with copies of the evidence given in by the British minister, and to observe, that the United States being at peace with all parties, cannot see with indifference its territory or jurisdiction violated by either; that the government will therefore proceed to inquire into the facts, and for that purpose will receive with pleasure, and consider with impartiality, any evidence you will be pleased to have them furnished with on the subject; and the President hopes that you will take effectual measures for detaining here the vessel taken, her crew and cargo, to abide the decision which will he made thereon, and which is desired to be without delay.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO COLONEL MONROE.

PHILADELPHIA, May 5, 1793.

DEAR SIR,—The expectation that you are always from home prevents my writing to you with regularity; a matter of little consequence to you, as you probably receive Freneau's paper regularly, and consequently all the news of any importance.

The fiscal party having tricked the House of Representatives out of the negative vote they obtained, seem determined not to lose the ground they gained by entering the lists again on matters of fact and reason; they therefore preserve a triumphant silence, notwithstanding the attack of the pamphlet entitled "An Examination Se-and-of-Timon." They show their wisdom in this, if not their honesty. The war between France and England seems to be producing an effect not contemplated. All the old spirit of 1776, rekindling the newspapers from Boston to Charleston, proves this; and even the monocrat papers are obliged to publish the most furious philippics against England. A French frigate took a British prize off the capes of Delaware the other day, and sent her up here. Upon her coming into sight, thousands and thousands of the *yeomanry* of the city crowded and covered the wharves. Never before was such a crowd seen there; and when the British colors were seen *reversed*, and the French flying above them, they burst into peals of exultation. I wish we may be able to repress the spirit of the people within the limits of a fair neutrality. In the meantime, H. is panic-struck, if we refuse our breach to every kick which Great Britain may choose to give it. He is for proclaiming at once the most abject principles, such as would invite and merit habitual insults; and indeed every inch of ground must be fought in our councils to desperation, in order to hold up the face of even a sneaking neutrality, for our votes are generally two and a half against one and a half. Some propositions have come from him which would astonish Mr. Pitt himself with their boldness. If we preserve even a sneaking neutrality, we shall be indebted for it to the President, and not to his counsellors. Immense bank-

ruptcies have taken place in England. The last advices made them amount to eleven millions sterling, and still going on. Of the houses connected with America, they have fallen only on those who had dealt in American paper. The beginning of the business was from the alarm occasioned by the war, which induced cautious people to withdraw their money from the country banks. This induced the Bank of England to stop discounting, which brought on a general crush, which was still going on. It is said that two millions of manufacturers would be put out of employ by these failures. This is probably exaggerated. The stocks are very low here now, and an immense mass of paper is expected to be returned immediately from England, so that they will be still lower. Notwithstanding this, the sinking fund is idle, not having had a shilling to lay out (except the interest of the part sunk). You will see in Freneau's next paper, a most advantageous decree of the French National Assembly in our favor. They have lately sustained some severe checks. The papers will confuse you on the subject. The truth is, that in a combination of three operations, Clairfayt killed and wounded 1,400, took 600. Saxe Cobourg killed and wounded 4,000, and took 1,600. Brunswick killed and wounded 1,300, and took 700. This is the sum. Their defects are as sensibly felt at Philadelphia as at Paris, and I foresee we are to have a trying campaign of it. Great Britain has as yet not condescended to notice us in any way. No wish expressed of her neutrality, no answer of any kind to a single complaint for the daily violations committed on our sailors and ships. Indeed, we promise beforehand so fast that she has not time to ask anything. We expect Genet daily. When Ternant received certain account of his appointment, thinking he had nothing further to hope from the Jacobins, he that very day found out something to be offended at in me (in which I had been made *ex officio* the ostensible agent in what came from another quarter, and he has never been undeceived), attached himself intimately to Hamilton, put on mourning for the King, and became a perfect counter revolutioner. A few days ago, he received a letter from Genet, giving

him a hope that they will employ him in the army. On this, he tacked about again, became a Jacobin, and refused to present the Viscount Noailles, and some French aristocrats arrived here. From what I learn from Noailles, La Fayette has been more imprudent than I expected, but certainly innocent.

Present my best affections to Mrs. Monroe, and accept them for yourself also. Yours sincerely.

TO MR. PINCKNEY.

PHILADELPHIA, May 7, 1793.

DEAR SIR,—Since my letter of April the 16th, yours have been received of March the 12th, 12th, 13th, 13th, and 19th. Before the receipt of these, one of which covered the form of your passports, it had been determined here, that passports should be issued in *our own ports* only, as well to secure us against those collusions which would be fraudulent towards our friends, and would introduce a competition injurious to our own vessels, as to induce these to remain in our own service, and thereby give to the productions of our own soil the protection of its own flag in its passage to foreign markets. As our citizens are free to purchase and use *foreign-built* vessels, and these, like all their other lawful property, are entitled to the protection of their government, passports will be issued to them as freely as to *home-built* vessels. This is strictly within our treaties, the letter of which, as well as their spirit, authorizes passports to all vessels *belonging* to citizens of the United States. Our laws, indeed, indulge home-built vessels with the payment of a lower tonnage, and to evidence their right to this, permit them alone to take out registers from our own offices; but they do not exclude foreign-built vessels owned by our citizens from any other right. As our home built vessels are adequate to but a small proportion of our transportation, if we could not suddenly augment the stock of our shipping, our produce would be subject to war insurance in the

vessels of the belligerent powers, though we remain at peace ourselves.

In one of your letters of March the 13th, you express your apprehension that some of the belligerent powers may stop our vessels going with grain to the ports of their enemies, and ask instructions which may meet the question in various points of view, intending, however, in the meantime, to contend for the amplest freedom of neutral nations. Your intention in this is perfectly proper, and coincides with the ideas of our own government in the particular case you put, as in general cases. Such a stoppage to an unblockaded port would be so unequivocal an infringement of the neutral rights, that we cannot conceive it will be attempted. With respect to our conduct as a neutral nation, it is marked out in our treaties with France and Holland, two of the belligerent powers; and as the duties of neutrality require an *equal* conduct to both parties, we should, on that ground, act on the same principles towards Great Britain. We presume that this would be satisfactory to her because of its equality, and because she too has sanctioned the same principles in her treaty with France. Even our seventeenth article with France, which might be disagreeable, as from its nature it is unequal, is adopted exactly by Great Britain in her fortieth article with the same power, and would have laid her, in a like case, under the same unequal obligations against us. We wish then, that it could be arranged with Great Britain, that our treaties with France and Holland, and that of France and Great Britain (which agree in what respects neutral nations), should form the line of conduct for us all, in the present war, in the cases for which they provide. Where they are silent, the general principles of the law of nations must give the rule, as the principles of that law have been liberalized in latter times by the refinement of manners and morals, and evidenced by the declarations, stipulations, and practice of every civilized nation. In our treaty with Prussia, indeed, we have gone ahead of other nations, in doing away restraints on the commerce of peaceful nations, by declaring that nothing shall be contraband. For in truth, in the present improved state of the arts.

when every country has such ample means of procuring arms within and without itself, the regulations of contraband answer no other end than to draw other nations into the war. However, as other nations have not given sanction to this improvement, we claim it, at present, with Prussia alone.

You are desired to persevere till you obtain a regulation to guard our vessels from having their hands impressed, and to inhibit the British navy officers from taking them under the pretext of their being British subjects. There appears but one practical rule, that the vessel being American, shall be conclusive evidence that the hands are so to a certain number, proportioned to her tonnage. Not more than one or two officers shall be permitted to visit a vessel. Mr. Albion Coxe has just arrived.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO E. RANDOLPH.

May 8, 1793.

I have been still reflecting on the draft of letter from the Secretary of the Treasury to the custom house officers, instructing them to be on the watch as to all infractions or tendencies to infraction of the laws of neutrality by our citizens, and to communicate the same to him. When this paper was first communicated to me, though the whole of it struck me disagreeably, I did not in the first moment see clearly the improprieties but of the last clause. The more I have reflected, the more objectionable the whole appears, By this proposal the collectors of the customs are to be made an established corps of spies or informers against their fellow citizens, whose actions they are to watch in secret, inform against in secret to the Secretary of the Treasury, who is to communicate it to the President. If the action and evidence appear to justify a prosecution, a prosecution is to be set on foot on the *secret information of a collector.* If it will not justify it, then the only conseqnence is that the mind of govern-

ment has been poisoned against a citizen, neither known nor suspecting it, and perhaps too distant to bring forward his justification. This will at least furnish the collector with a convenient weapon to keep down a rival, draw a cloud over an inconvenient censor, or satisfy mere malice and private enmity. The object of this new institution is to be to prevent infractions of the laws of neutrality, and preserve our peace with foreign nations. Acts involving war, or proceedings which respect foreign nations, seem to belong either to the department of war, or to that which is charged with the affairs of foreign nations; but I cannot possibly conceive how the superintendence of the laws of neutrality, or the preservation of our peace with foreign nations, can be ascribed to the department of the treasury, which I suppose to comprehend merely matters of revenue. It would be to add a new and a large field to a department already amply provided with business, patronage, and influence. It was urged as a reason that the collectors of the customs are in convenient positions for this espionage. They are in convenient positions too for building ships of war; but will that business be transplanted from its department, merely because it can be conveniently done in another? It seemed the desire that if this means was disapproved, some other equivalent might be adopted. Though we consider the acts of a foreigner making a captive within our limits, as an act of public hostility, and therefore to be turned over to the military, rather than the civil power; yet the acts of our own citizens infringing the laws of neutrality or contemplating that, are offences against the ordinary laws and cognisable by them. Grand juries are the constitutional inquisitors and informers of the country, they are scattered everywhere, see everything, see it while they suppose themselves mere private persons, and not with the prejudiced eye of a permanent and systematic spy. Their information is on *oath*, is public, it is in the vicinage of the party charged, and can be at once refuted. These officers taken only occasionally from among the people, are familiar to them, the office respected, and the experience of centuries has shown that it is safely entrusted with our

character, property and liberty. A grand juror cannot carry on systematic persecution against a neighbor whom he hates, because he is not permanent in the office. The judges generally, by a charge, instruct the grand jurors in the infractions of law which are to be noticed by them; and our judges are in the habit of printing their charges in the newspapers. The judges, having notice of the proclamation, will perceive that the occurrence of a foreign war has brought into activity the laws of neutrality, as a part of the law of the land. This new branch of the law they will know needs explanation to the grand juries more than any other. They will study and define the subjects to them and to the public. The public mind will by this be warned against the acts which may endanger our peace, foreign nations will see a much more respectable evidence of our *bona fide* intentions to preserve neutrality, and society will be relieved from the inquietude which must forever be excited by the knowledge of the existence of such a poison in it as secret accusation. It will be easy to suggest this matter to the attention of the judges, and that alone puts the whole machine into motion. The one is a familiar, impartial and precious instrument, the other, not popular in its present functions, will be odious in the new ones, and the odium will reach the Executive, who will be considered as having planted a germ of private inquisition absolutely unknown to our laws. I am not quite certain what was considered as agreed upon yesterday; it cannot be too late, however, to suggest the substitution of the judges and grand jurors in place of the collectors of the customs.

TO THE SECRETARY OF THE TREASURY

PHILADELPHIA, May 8, 1793.

SIR,—I had wished to have kept back the issuing passports for sea vessels till the question should be decided whether the treaty with France should be declared void, lest the issuing the passports presented by that treaty might be considered as prejudging

the question. The importunities, however, of the owners obliging me to give out a few, I had them printed in the Dutch form only. Not then having sufficiently considered on the best mode of distributing them, I took the liberty, as an expedient of the moment, of sending seven (the number of vessels then waiting in this port) to Mr. Delaney, asking the favor of him to fill them up and deliver them for me. Application for another parcel coming, and the applicant not being able to wait himself till I could send them to be signed by the President, he desired I would lodge them with Mr. Cox, on whom it would be convenient for him to call for them. I did so; and afterwards sent a second parcel of a dozen, which were pressingly requested. The President having now decided that the French passport may also be used, it is at this time in the press, and the whole instrument completed with the two passports. Letters and certificate in its final form, will be ready for signature to-morrow. It has therefore now become necessary to determine on the ultimate channel of distributing them. I am not the judge whether the task of distribution might interfere too much with the other duties of the collectors of the customs. If it would not, their position seems best accommodated to that distribution. I took the liberty, therefore, to-day, of proposing to the President that, if you should think there would be no inconvenience in charging them with the distribution, the blanks might be lodged with them; of which he approved, and I have now the honor of submitting that question to you. If you find no inconvenience in it, I will send 500 blanks, as soon as they shall be signed, either to your office or to that of the commissioners of the revenue, whichever you shall prefer, to be forwarded to the collectors of the different ports; and from time to time afterwards will keep up a supply. Should it, however, in your opinion, interfere too much with the other duties of those officers, I will submit to the President the depositing them with the deputy marshals appointed, or to be appointed in every port.

I will ask the favor of your answer, as the applications are numerous and pressing, and I am unwilling to be further trouble-

some to the gentlemen who have hitherto been so kind as to fil. up and deliver them for me till some arrangement would be made which might relieve me personally from a business with the details of which I was not acquainted. I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO J. MADISON.

May 13.

I wrote you on the 5th covering an open letter to Colonel Monroe, since that I have received yours of April 29. We are going on here in the same spirit still. The Anglophobia has seized violently on three members of our council. This sets almost every day on questions of neutrality. H. produced the other day the draft of a letter from himself to the collector of the customs, giving them in charge to watch over all proceedings in their district, contrary to the laws of neutrality or tending to impair our peace with the belligerent powers, and particularly to observe if vessels pierced for guns should be built, and to inform *him* of it. This was objected to, 1st. As setting up a system of espionage, destructive of the peace of society. 2d. Transferring to the treasury department the conservation of the laws of neutrality and peace with foreign nations. 3d. It was rather proposed to intimate to the judges that the laws respecting neutrality being now come into activity, they should charge grand juries with the observance of them; these being constitutional and public informers, and the person accused knowing of what they should do, and having an opportunity of justifying themselves. E. R. found out a hair to split, which, as always happens, became the decision. H. is to write to the collectors of the customs, who are to convey their information to the attorney of the district, to whom E. R. is to write, to receive their information and proceed by indictment. The clause respecting the building vessels pierced for guns is to be omitted; for, though three

against one, thought it would be a breach of neutrality; yet they thought we might defer giving a public opinion on it as yet. Everything, my dear Sir, hangs upon the opinion of a single person, and that the most indecisive one I ever had to do business with. He always contrives to agree in principle with one, but in conclusion with the other. Anglophobia, secret anti-gallomany, a federalisme outree, and a present ease in his circumstances not usual, have decided the complexion of our dispositions, and our proceedings towards the conspirators against human liberty, and the asserters of it, which is unjustifiable in principle, in interest, and in respect to the wishes of our constituents. A manly neutrality, claiming the liberal rights ascribed to that condition by the very persons at war, was the part we should have taken, and would I believe have given satisfaction to our allies. If anything prevents its being a mere English neutrality, it will be that the penchant of the President is not that way, and above all, the ardent spirit of our constituents. The line is now drawn so clearly as to show on one side, 1. The fashionable circles of Philadelphia, New York, Boston and Charleston, (natural aristocrats.) 2. Merchants trading on British capital. 3. Paper men, (all the old tories are found in some one of the three descriptions.) On the other side are, 1. Merchants trading on their own capital. 2. Irish merchants. 3. Tradesmen, mechanics, farmers, and every other possible description of our citizens. Genett is not yet arrived though hourly expected. I have just heard that the workmen I had desired from Europe were engaged and about to embark. Another strong motive for making me uneasy here. Adieu.

TO MR. HAMMOND.

PHILADELPHIA, May 15, 1793.

SIR,—Your several memorials of the 8th instant have been laid before the President, as had been that of the 2d, as soon as received. They have been considered with all the attention and

the impartiality which a firm determination to do what is equal and right between all the belligerent powers, could inspire.

In one of these, you communicate, on the information of the British consul at Charleston, that the consul of France at the same place had condemned as legal prize, a British vessel, captured by a French frigate, and you justly add that this judicial act is not warranted by the usage of nations, nor by the stipulations existing between the United States and France. I observe further, that it is not warranted by any law of the land. It is consequently a mere nullity; as such it can be respected in no court, can make no part in the title to the vessel, nor give to the purchaser any other security than what he would have had without it. In short, it is so absolutely nothing as to give no foundation of just concern to any person interested in the fate of the vessel; and in this point of view, Sir, I am in hopes you will see it. The proceeding, indeed, if the British consul has been rightly informed, and we have no other information of it, has been an act of disrespect towards the United States, to which its government cannot be inattentive; a just sense of our own rights and duties, and the obviousness of the principle, are a security that no inconveniences will be permitted to arise from repetitions of it.

The purchase of arms and military accoutrements by an agent of the French government, in this country, with an intent to export them to France, is the subject of another of the memorials. Of this fact we are equally uninformed as of the former. Our citizens have been always free to make, vend and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would he hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, does not require from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the bel-

ligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned; and that even private contraventions may work no inequality between the parties at war, the benefits of them will be left equally free and open to all.

The capture of the British ship Grange by the French frigate l'Embuscade, has on inquiry been found to have taken place within the bay of Delaware and jurisdiction of the United States, as stated in your memorial of the 2d instant. The government is, therefore, taking measures for the liberation of the crew and restitution of the ship and cargo.

It condemns in the highest degree the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war, and will exert all the means with which the laws and Constitution have armed them to discover such as offend herein, and bring them to condign punishment. Of these dispositions I am authorized to give assurances to all the parties, without reserve. Our real friendship for them all, our desire to pursue ourselves the path of peace, as the only one leading surely to prosperity, and our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder, may assure you that our proceedings in this respect, will be with good faith, fervor and vigilance. Instructions are consequently given to the proper law officer, to institute such proceedings as the laws will justify, for apprehending and punishing certain individuals of our citizens, suggested to have been concerned in enterprises of this kind, as mentioned in one of your memorials of the 8th instant.

The practice of commissioning, equipping and manning vessels in our ports, to cruise on any of the belligerent parties, is equally and entirely disapproved; and the government will take effectual measures to prevent a repetition of it. The remaining point in the same memorial is reserved for further consideration.

I trust, Sir, that in the readiness with which the United States have attended to the redress of such wrongs as are committed by

their citizens, or within their jurisdiction, you will see proofs of their justice and impartiality to all parties; and that it will insure to their citizens pursuing their lawful business by sea or by land, in all parts of the world, a like efficacious interposition of governing powers to protect them from injury, and redress it, where it has taken place. With such dispositions on both sides, vigilantly and faithfully carried into effect, we may hope that the blessings of peace on the one part, will be as little impaired, and the evils of war on the other, as little aggravated, as the nature of things will permit; and that this should be so, is, we trust, the prayer of all.

I have the honor to be, with sentiments of respect, Sir, your most obedient, and most humble servant.

TO M. DE TERNANT.*

PHILADELPHIA, May 15, 1793.

SIR,—Having received several memorials from the British minister on subjects arising out of the present war, I take the liberty of enclosing them to you, and shall add an explanation of the determinations of the government thereon. These will serve to indicate the principles on which it is meant to proceed; and which are to be applied, with impartiality, to the proceedings of both parties. They will form, therefore, as far as they go, a rule of action for them as for us.

In one of these memorials, it is stated, that arms and military accoutrements are now buying up by a French agent in this country, with an intent to export them to France. We have answered, &c. * * * * * * * *

Another of these memorials complains that the consul of France at Charleston, has condemned as legal prize, a British vessel captured by a French frigate, observing that this judicial act is not

[* The parts of this letter which are mere repetitions of what is contained in the preceding, to the British minister, are omitted.]

warranted by the usage of nations nor by the stipulations existing between the United States and France. It is true, &c.

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Our information is not perfect on the subject matter of another of these memorials, which states that a vessel has been fitted out at Charleston, manned there, and partly too with citizens of the United States, received a commission there to cruise against nations at peace with us, and has taken and sent a British vessel into this port. Without taking all these facts for granted, we have not hesitated to express our highest disapprobation of the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war, and to declare, that if the case has happened, or that should it happen, we will exert all the measures with which the laws and Constitution have armed us, to discover such offenders and bring them to condign punishment. And that the like conduct shall be observed, should the like enterprises be attempted against your nation, I am authorized to give you the most unreserved assurances.

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The capture of the British ship Grange, by the French frigate l'Embuscade, within the Delaware, has been the subject of a former letter to you. On full and mature consideration, the government deems the capture to have been unquestionably within its jurisdiction, and that according to the rules of neutrality and the protection it owes to all persons while within its limits, it is bound to see that the crew be liberated, and the vessel and cargo restored to their former owners. The Attorney General of the United States has made a statement of the grounds of this determination, a copy of which I have the honor to enclose you. I am, in consequence, charged by the President of the United States to express to you his expectation, and at the same time his confidence, that you will be pleased to take immediate and effectual measures for having the ship Grange and her cargo restored to the British owners, and the persons taken on board her set at liberty.

I am persuaded, Sir, you will be sensible, on mature consideration, that in forming these determinations, the government of the United States has listened to nothing but the dictates of immutable justice; they consider the rigorous exercise of that virtue as the surest means of preserving perfect harmony between the United States and the powers at war.

I have the honor to be, with sentiments of great respect, Sir, your most obedient, and most humble servant.

TO J. MADISON.

PHILADELPHIA, May 10, 1793.

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I dare say you will have judged from the pusillanimity of the proclamation, from whose pen it came. A fear lest any affection should be discovered is distinguishable enough. This base fear will produce the very evil they wish to avoid. For our constituents seeing that the government does not express their mind, perhaps rather leans the other way, are coming forward to express it themselves. It was suspected that there was not a clear mind in the P's counsellors to receive Genet. The citizens, however, determined to receive him. Arrangements taken for meeting him at Gray's Ferry in a great body. He escaped that by arriving in town with the letters which brought information that he was on the road. The merchants, *i. e.* Fitzsimmons & Co., were to present an address to *the P.* on the neutrality proclaimed. It contained much wisdom, but no affection. You will see it in the papers enclosed. The citizens are determined to address *Genet.* Rittenhouse, Hutcheson, Dallas, Sargeant, &c., were at the head of it. Though a select body of only thirty was appointed to present it, yet a vast concourse of people attended him. I have not seen it; but it is understood to be the counter address. Ternant's hopes of employment in the French army turn out to be without grounds. He is told by the Minister of War expressly that the places of Marechal de Camp are all

full. He thinks it more prudent, therefore, to remain in America. He delivered yesterday his letters of recall, and Mr. Genet presented his of credence. It is impossible for anything to be more affectionate, more magnanimous than the purport of his mission. We know that under present circumstances we have a right to call upon you for the guarantee of our islands. But we do not desire it. We wish you to do nothing but what is for your own good, and we will do all in our power to promote it. Cherish your own peace and prosperity. You have expressed a willingness to enter into a more liberal treaty of commerce with us; I bring full powers (and he produced them) to form such a treaty, and a preliminary decree of the National Convention to lay open our country and its colonies to you for every purpose of utility, without your participating the burthens of maintaining and defending them. We see in you the only person on earth who can love us sincerely, and merit to be so loved. In short, he offers everything, and asks nothing. Yet I know the offers will be opposed, and suspect they will not be accepted. In short, my dear Sir, it is impossible for you to conceive what is passing in our conclave; and it is evident that one or two, at least, under pretence of avoiding war on the one side, have no great antipathy to run foul of it on the other, and to make a part in the confederacy of princes against human liberty. The people in the western parts of this State have been to the excise officer, and threatened to burn his house, &c. They were blackened and otherwise disguised, so as to be unknown. He has resigned, and H. says there is no possibility of getting the law executed there, and that probably the evil will spread. A proclamation is to be issued, and another instance of my being forced to appear to approve what I have condemned uniformly from its first conception.

I expect every day to receive from Mr. Pinckney the model of the Scotch threshing machine. It was to have come in a ship which arrived three weeks ago, but the workman had not quite finished it. Mr. P. writes me word that the machine from which my model is taken, threshes eight quarters (sixty-four bushels)

of oats *an hour*, with four horses and four men. I hope to get it in time to have one erected at Monticello to clean out the present crop. I enclose you the pamphlet you desired. Adieu

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TO THE GOVERNOR OF VIRGINIA.

PHILADELPHIA, May 21, 1793.

SIR,—I have been duly honored with your favor of May the 8th, covering the letter of Mr. Newton, and that of May the 13th, with the letter of the British Consul at Norfolk and the information of Henry Tucker, all of which have been laid before the President.

The putting the several harbors of the United States into a state of defence, having never yet been the subject of deliberation and decision with the Legislature, and consequently, the necessary moneys not having been appropriated or levied, the President does not find himself in a situation competent to comply with the proposition on the subject of Norfolk.

Mr. Newton supposes, that by the treaties with France and Holland, those powers are authorized to arm vessels within our ports. A careful examination of the treaties will show, however, that no such permission has been stipulated therein. Measures are accordingly taken to correct this error as to the past, and others will be taken to prevent a repetition of it. Proceedings are ordered against Mr. Hooper and other American citizens who have participated in any hostilities against nations at peace with the United States, and circular instructions are given to the District Attorneys of the United States, to institute like prosecutions in all future similar cases. The bringing vessels to, of whatever nation, while within the limits of the protection of the United States, will be pointedly forbidden; the government being firmly determined to enforce a peaceable demeanor among all the parties within those limits, and to deal to all the same impartial measure.

I have the honor to be, with the most perfect respect, your Excellency's most obedient, and most humble servant.

TO MR. VAN BERCKEL.

PHILADELPHIA, May 29, 1793.

SIR,—I am favored with your note of the 22d instant, stating that under circumstances of invasion and urgent danger, their High Mightinesses, the States General of the United Netherlands, had found it necessary to lay an embargo on all vessels in their ports; and that an American ship, the Hope, being involved in this general order, the master had claimed an exemption under the eighth article of our treaty, which it had been necessary to refuse him.

I have laid this note before the President of the United States, and have it in charge from him to assure you, that the United States having the utmost confidence in the sincerity and good faith with which their High Mightinesses will observe the treaty between the two countries, feel no dissatisfaction at the circumstance mentioned in your note. They are sensible that in human affairs, there are moments of difficulty and necessity, to which it is the office of friendship to accommodate its strict rights.

The President considers the explanation, which their High Mightinesses have instructed you to give of this incident, as a proof of their desire to cultivate harmony and good understanding with these United States, and charges me to assure you that he has nothing more at heart than to convince their High Mightinesses of the same amicable sentiments on the part of this country, and of the certainty with which they may count on its justice and friendship on every occasion.

I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, May 31, 1793.

GENTLEMEN,—In my letters of October the 14th and November the 3d, 1792, I communicated to you papers and observa-

tions on the conduct of the Spanish officers on our south-western frontier, and particularly of the Baron de Carondelet, the Governor of New Orleans. These made it evident that he had industriously excited the southern Indians to war against us, and had furnished them with arms and ammunition in abundance, for that express purpose. We placed this under the view of the commissioners of Spain here, who undertook to communicate it to their court, and also to write on the subject to the Baron de Carondelet. They have lately made us communications from both these quarters; the aspect of which, however, is by no means such as to remove the causes of our dissatisfaction. I send you these communications, consisting of treaties between Spain, the Creeks, Choctaws, Chickasaws, and Cherokees, handed us by express order from their court, a speech of Baron de Carondelet to the Cherokees, and a letter from Messrs. de Viar and Jaudenes, covering that speech, and containing in itself very serious matter.

I will first observe to you, that the question stated in that letter to have been proposed to the Cherokees, what part they would take, in the event of a war between the United States and Spain? was never proposed by authority from this government. Its instructions to its agents have, on the contrary, been explicitly to cultivate, with good faith, the peace between Spain and the Indians; and from the known prudence and good conduct of Governor Blount, to whom it is imputed, it is not believed to have been proposed by him. This proposition then, you are authorized to disavow to the court of Madrid, in the most unequivocal terms.

With respect to the treaties, the speech and the letter, you will see that they undertake to espouse the concerns of Indians within our limits; to be mediators of boundary between them and us; to guarantee that boundary to them; to support them with their whole power; and hazard to us intimations of acquiescence to avoid disagreeable results. They even propose to extend their intermeddlings to the northern Indians. These are pretensions so totally inconsistent with the usages established

among the white nations, with respect to Indians living within their several limits, that it is believed no example of them can be produced, in times of peace ; and they are presented to us in a manner which we cannot deem friendly. The consequence is, that the Indians, and particularly the Creeks, finding themselves so encouraged, have passed, without the least provocation on our part, from a state of peace, which appeared to be well settled, to that of serious hostility. Their murders and depredations, which, for some months, we were willing to hope were only individual aggressions, now assume the appearance of unequivocal war. Yet such is our desire of courting and cultivating the peace of all our Indian neighbors, that instead of marching at once into their country and taking satisfaction ourselves, we are peaceably requiring punishment of the individual aggressors; and, in the meantime, are holding ourselves entirely on the defensive. But this state of things cannot continue. Our citizens are entitled to effectual protection, and defensive measures are, at the same time, the most expensive and least effeetual. If we find then, that peace cannot be obtained by the temperate means we are still pursuing, we must proceed to those which are extreme, and meet all the consequences, of whatever nature, or from whatever quarter they may be. We have certainly been always desirous to avoid whatever might disturb our harmony with Spain. We should be still more so, at a moment when we see that nation making part of so powerful a confederacy as is formed in Europe, and under particular good understanding with England, our other neighbor. In so delicate a position, therefore, instead of expressing our sense of these things, by way of answer to Messrs. Viar and Jaudenes, the President has thought it better that it should be done to you, and to trust to your discretion the moment, the measure, and the form of communicating it to the court of Madrid. The actual state of Europe at the time you will receive this, the solidity of the confederacy, and especially as between Spain and England, the temper and views of the former, or of both, towards us, the state of your negotiation, are circumstances which will enable you better to decide

how far it may be necessary to soften, or even perhaps to suppress, the expressions of our sentiments on this subject. To your discretion, therefore, it is committed by the President, to let the court of Spain see how impossible it is for us to submit with folded arms to be butchered by these savages, and to prepare them to view, with a just eye, the more vigorous measures we must pursue to put an end to their atrocities, if the moderate ones we are now taking should fail of that effect.

Our situation on other accounts and in other quarters, is critical. The President is, therefore, constantly anxious to know the state of things with you, and I entreat you to keep him constantly and well-informed. Mr. Yznardi, the younger, lately appointed consul of the United States at Cadiz, may be a convenient channel of forwarding your letters.

I have the honor to be, with great esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO JAMES MADISON.

June 2, 1793.

I wrote you on the 27th ult. You have seen in the papers that some privateers have been fitted out in Charleston by French citizens, with their own money, manned by themselves, and regularly commissioned by their nation. They have taken several prizes, and brought them into our ports. Some native citizens had joined them. These are arrested and under prosecution, and orders are sent to all the ports to prevent the equipping privateers by any persons foreign or native. So far is right. But the vessels so equipped at Charleston are ordered to leave the ports of the United States. This I think was not right. Hammand demanded further surrender of the prizes they had taken. This is refused on the principle that by the laws of war the property is transferred to the captors. You will see in a paper I enclose, Dumourier's "Address to his nation, and also Saxe Cobourg." I am glad to see a probability that the constitution

of 1791, would be the term at which the combined powers would stop. Consequently, that the re-establishment of that is the worst the French have to fear. I am also glad to see that the combiners adopt the slow process of nibbling at the strong posts on the frontiers. This will give to France a great deal of time. The thing which gives me uneasiness is their internal combustion. This may by famine be rendered extreme. E. R. sets out the day after to-morrow for Virginia. I have no doubt he is charged to bring back a faithful statement of the dispositions of that State. I wish therefore he may fall into hands which will not deceive him. Have you time and the means of impressing Wilson Nicholas (who will be much with E. R.) with the necessity of giving him a strong and perfect understanding of the public mind? Considering that this journey may strengthen his nerves, and dispose him more favorably to the propositions of a treaty between the two republics, knowing that in this moment the division on that question is 4 to 1, and that the last news has no tendency to proselyte any of the majority, I have myself proposed to refer taking up the question till his return. There is too at this time a lowering disposition perceivable both in England and Spain. The former keeps herself aloof, and in a state of incommunication with us, except in the way of demand. The latter has not begun auspiciously with C. and S. at Madrid, and has lately sent 1,500 men to New Orleans, and greatly strengthened her upper posts on the Mississippi. I think it more probable than otherwise that Congress will be convened before the constitutional day. About the last of July this may be known. I should myself wish to keep their meeting off to the beginning of October, if affairs will permit it. The invasion of the Creeks is what will most likely occasion its convocation. You will see Mrs. House's death mentioned in the papers. She extinguished almost like a candle. I have not seen Mrs. Trist since, but I am told she means to give up the house immediately, and that she has suffered great loss in her own fortune by exertions hitherto to support it. Browse is not returned, nor has been heard of for some tim Bartram is ex-

tremely anxious to get a large supply of seeds of the Kentucky coffee tree. I told him I would use all my interest with you to obtain it, as I think I heard you say that some neighbors of yours had a large number of trees. Be so good as to take measures for bringing a good quantity, if possible, to Bartram when you come to Congress. Adieu. Yours affectionately.

TO MR. RANDOLPH.

PHILADELPHIA, June 2, 1793.

DEAR SIR,—I have to acknowledge the receipt of yours of May 16th, with the information always pleasing of your being all well. In addition to the news which you will see in the papers, we now have the certainty of Dumourier's operation. He had proposed an armistice to the Prince of Saxe Cobourg, which was agreed to on condition of his withdrawing his troops from the Netherlands. He did so; it was then agreed that he should march with his army (on whom he thought he could rely) to Paris, and re-establish the constitution of 1791. On which Cobourg stipulated peace on the part of the Emperor and K. of Prussia. Dumourier's army knew nothing of this. He made them believe the deputies sent from the National Assembly were to arrest and carry him to Paris to be tried for his defeat of the 18th to the 22d of March. They considered this as an injury to themselves, and really loved and confided in him. They set out with him, but very soon began to suspect his purpose was to overset the republic, and set up a king. They began to drop off in parties, and at length in a body refused to go further. On this he fled with two regiments of horse, mostly foreigners, to the Austrians. His Saxe Cobourg's address to the French nation prove all this. Hostilities recommenced; and the combiners have determined not to attempt to march to Paris, as the last year, but to take all the strong places on the frontier. This will at least give time to the republic. The first thing to be feared for them is famine. This will infallibly produce anarchy. Indeed, that joined to a

draught of soldiers, has already produced some serious insurrections. It is still a comfort to see by the address of Dumourier and Saxe Cobourg that the constitution of 1791 is the worst thing which is to be forced on the French. ' But even the falling back to that would give wonderful vigor to our monocrats, and unquestionably affect the tone of administering our government. Indeed, I fear that if this summer should prove disastrous to the French, it will damp that energy of republicanism in our new Congress, from which I had hoped so much reformation. We have had here for a considerable time past true winter weather, quite cold enough for white frost. Though that accident has not happened, fires are still kept up, having been intermitted only for short intervals of very hot weather. I have not yet received my model of the threshing mill. I wish it may come in time for the present crop; after so mild a winter as the last we must expect weavil. My love to my dear Martha, and kiss the little ones for me. Adieu my dear Sir. Yours with constant affection.

MR. GENET, MINISTER PLENIPOTENTIARY OF FRANCE.

PHILADELPHIA, June 5, 1793

SIR,—In my letter of May the 15th, to M. de Ternant, your predecessor, after stating the answer which had been given to the several memorials of the British minister, of May the 8th, it was observed that a part still remained unanswered of that which respected the fitting out of armed vessels in Charleston, to cruise against nations with whom we were at peace.

In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the citizen Genet, had come into this port with a prize; that the President had thereupon taken the case into further consideration, and after mature consultation and deliberation, was of opinion, that the arming and equipping vessels in the ports of the United States to cruise against nations with whom they are at peace, was incom-

patible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromit their peace; and that he thought it necessary as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States.

The letter of the 27th instant, with which you have honored me, has been laid before the President, and that part of it which contains your observations on this subject has been particularly attended to. The respect due to whatever comes from you, friendship for the French nation, and justice to all, have induced him to re-examine the subject, and particularly to give your representations thereon, the consideration they deservedly claim. After fully weighing again, however, all the principles and circumstances of the case, the result appears still to be, that it is the *right* of every nation to prohibit acts of sovereignty from being exercised by any other within its limits; and the *duty* of a neutral nation to prohibit such as would injure one of the warring powers; that the granting military commissions within the United States by any other authority than their own, it is an infringement on their sovereignty, and particularly so when granted to their own citizens to lead them to acts contrary to the duties they owe their own country; that the departure of vessels thus illegally equipped from the ports of the United States, will be but an acknowledgment of respect analogous to the breach of it, while it is necessary on their part, as an evidence of their faithful neutrality. On these considerations, Sir, the President thinks that the United States owe it to themselves and to the nations in their friendship, to expect this act of reparation on the part of vessels, marked in their very equipment with offence to the laws of the land, of which the laws of nations makes an integral part.

The expressions of friendly sentiments which we have already had the satisfaction of receiving from you, leave no room to doubt that the conclusion of the President being thus made known to

you, these vessels will be permitted to give no further umbrage by their presence in the ports of the United States.

I have the honor to be, with sentiments of perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MR. HAMMOND.

PHILADELPHIA, June 5, 1793.

SIR,—In the letter which I had the honor of writing you on the 15th of May, in answer to your several memorials of the 8th of that month, I mentioned that the President reserved for further consideration, a part of the one which related to the equipment of two privateers in the port of Charleston. The part alluded to, was that wherein you express your confidence that the executive government of the United States would pursue measures for repressing such practices in future, and for restoring to their rightful owners any captures, which such privateers might bring into the ports of the United States.

The President, after a full investigation of this subject and the most mature consideration, has charged me to communicate to you, that the first part of this application is found to be just, and that effectual measures are taken for preventing repetitions of the act therein complained of; but that the latter part, desiring restitution of the prizes, is understood to be inconsistent with the rules which govern such cases, and would, therefore, be unjustifiable towards the other party.

The principal agents in this transaction were French citizens. Being within the United States at the moment a war broke out between their own and another country, they determine to go into its defence; they purchase, they arm and equip a vessel with their own money, man it themselves, receive a regular commission from their nation, depart out of the United States, and then commence hostilities by capturing a vessel. If, under these circumstances, the commission of the captors was valid, the property, according to the laws of war, was by the capture transferred

to them, and it would be an aggression on their nation, for the United States to rescue it from them, whether on the high seas or on coming into their ports. If the commission was not valid, and, consequently, the property not transferred by the laws of war to the captors, then the case would have been cognizable in our courts of admiralty, and the owners might have gone thither for redress So that on neither supposition, would the executive be justifiable in interposing.

With respect to the United States, the transaction can be in nowise imputed to them. It was the first moment of the war, in one of their most distant ports, before measures could be provided by the government to meet all the cases which such a state of things was to produce, impossible to have been known, and therefore, impossible to have been prevented by that government.

The moment it was known, the most energetic orders were sent to every State and port of the Union, to prevent a repetition of the accident. On a suggestion that citizens of the United States had taken part in the act, one, who was designated, was instantly committed to prison, for prosecution; one or two others have been since named, and committed in like manner; and should it appear that there were still others, no measures will be spared to bring them to justice. The President has even gone further. He has required, as a reparation of their breach of respect to the United States, that the vessels so armed and equipped, shall depart from our ports.

You will see, Sir, in these proceedings of the President, unequivocal proofs of the line of strict right which he means to pursue. The measures now mentioned, are taken in justice to the one party; the ulterior measure, of seizing and restoring the prizes, is declined in justice to the other; and the evil, thus early arrested, will be of very limited effects; perhaps, indeed, soon disappear altogether.

I have the honor to be, with sentiments of respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

June 6, 1793.

I cannot but think that to decline the propositions of Mr. Genet on the subject of our debt, without assigning any reason at all, would have a very dry and unpleasant aspect indeed. We are then to examine what are our good reasons for the refusal, which of them may be spoken out, and which may not. 1st. Want of confidence in the continuance of the present form of government, and consequently that *advances* to them might commit us with their successors. This cannot be spoken out. 2d. Since they propose to take the debt in produce, it would be better for us that it should be done in moderate masses yearly, than all in one year. This cannot be professed. 3d. When M. de Calonne was Minister of Finance, a Dutch company proposed to buy up the whole of our debt, by dividing it into actions or shares. I think Mr. Claviere, now Minister of Finance, was their agent. It was observed to M. de Calonne, that to create such a mass of American paper, divide it into shares, and let them deluge the market, would depreciate the rest of our paper, and our credit in general; that the credit of a nation was a delicate and important thing, and should not be risked on such an operation. M. de Calonne, sensible of the injury of the operation to us, declined it. In May, 1791, there came, through Mr. Otto, a similar proposition from Schweirer, Jeanneret & Co. We had a communication on the subject from Mr. Short, urging this same reason strongly. It was referred to the Secretary of the Treasury, who, in a letter to yourself, assigned the reasons against it, and these were communicated to Mr. Otto, who acquiesced in them. This objection, then, having been sufficient to decline the proposition twice before, and having been urged to the two preceding forms of government (the ancient and that of 1791), will not be considered as founded in objections to the present form. 4th. The law allows the whole debt to be paid only on condition it can be done on terms *advantageous* to the United States. The minister foresees this objection, and thinks he answers it by observing

the *advantage* which the payment in *produce* will occasion. ' It would be easy to show that this was not the sort of advantage the Legislature meant, but a *lower rate of interest.* 5th. I cannot but suppose that the Secretary of the Treasury, being much more familiar than I am with the money operations of the Treasury, would, on examination, be able to derive practical objections from them. We pay to France but five per cent. The people of this country would never subscribe their money for less than six. If, to remedy this, obligations at less than five per cent. were offered, and accepted by Genet, he must part with them immediately, at a considerable discount, to indemnify the loss of the one per cent., and at still greater discount to bring them down to par with our present six per cent., so that the operation would be equally disgraceful to us and losing to them, &c., &c.

I think it very material myself to keep alive the friendly sentiments of that country, as far as can be done without risking war or double payment. If the instalments falling due this year can be advanced, without incurring those dangers, I should be for doing it. We now see by the declaration of the Prince of Saxe Cobourg, on the part of Austria and Prussia, that the ultimate point they desire is to restore the constitution of 1791. Were this even to be done before the pay days of this year, there is no doubt in my mind but that that government (as republican as the present, except in the form of its Executive) would confirm an advance so moderate in sum and time. I am sure the *nation* of France would never suffer their government to go to war *with us* for such a *bagatelle*, and the more surely if that bagatelle shall have been granted by us so as to *please* and not to *displease* the nation; so as to keep their affections engaged on our side. So that I should have no fear in advancing the instalments of this year at epochs convenient to the Treasury. But at any rate should be for assigning reasons for not changing the form of the debt. These thoughts are very hastily thrown on paper, as will be but too evident.

I have the honor to be, with sentiments of sincere attachment and respect, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

June 9, 1793.

I have to acknowledge the receipt of your two favors of May 27th and 29th, since the date of my last which was of the 2d instant. In that of the 27th you say you must not make your final exit from public life till it will be marked with justifying circumstances which all good citizens will respect, and to which your friends can appeal. To my fellow-citizens the debt of service has been fully and faithfully paid. I acknowledge that such a debt exists, that a tour of duty, in whatever line he can be most useful to his country, is due from every individual. It is not easy perhaps to say of what length exactly this tour should be, but we may safely say of what length it should not be. Not of our whole life, for instance, for that would be to be born a slave—not even of a very large portion of it. I have now been in the public service four and twenty years; one half of which has been spent in total occupation with their affairs, and absence from my own. I have served my tour then. No positive engagement, by word or deed, binds me to their further service. No commitment of their interests in any enterprise by me requires that I should see them through it. I am pledged by no act which gives any tribunal a call upon me before I withdraw. Even my enemies do not pretend this. I stand clear then of public right on all points—my friends I have not committed. No circumstances have attended my passage from office to office, which could lead them, and others through them, into deception as to the time I might remain, and particularly they and all have known with what reluctance I engaged and have continued in the present one, and of my uniform determination to return from it at an early day. If the public then has no claim on me, and my friends nothing to justify, the decision will rest on my own feelings alone. There has been a time when these were very different from what they are now; when perhaps the esteem of the world was of higher value in my eye than everything in it. But age, experience and reflection preserving to that only its due

value, have set a higher on tranquillity. The motion of my blood no longer keeps time with the tumult of the world. It leads me to seek for happiness in the lap and love of my family, in the society of my neighbors and my books, in the wholesome occupations of my farm and my affairs, in an interest or affection in every bud that opens, in every breath that blows around me, in an entire freedom of rest, of motion, of thought, owing account to myself alone of my hours and actions. What must be the principle of that calculation which should balance against these the circumstances of my present existence—worn down with labors from morning to night, and day to day; knowing them as fruitless to others as they are vexatious to myself, committed singly in desperate and eternal contest against a host who are systematically undermining the public liberty and prosperity, even the rare hours of relaxation sacrificed to the society of persons in the same intentions, of whose hatred I am conscious even in those moments of conviviality when the heart wishes most to open itself to the effusions of friendship and confidence, cut off from my family and friends, my affairs abandoned to chaos and derangement, in short, giving everything I love in exchange for everything I hate, and all this without a single gratification in possession or prospect, in present enjoyment or future wish. Indeed, my dear friend, duty being out of the question, inclination cuts off all argument, and so never let there be more between you and me, on this subject.

I enclose you some papers which have passed on the subject of a new town. You will see by them that the paper Coryphæus is either undaunted or desperate. I believe that the statement enclosed has secured a decision against his proposition. I dined yesterday in a company where Morris and Bingham were, and happened to sit between them. In the course of a conversation after dinner, Morris made one his of warm declarations that after the expiration of his present senatorial term, nothing on earth should ever engage him to serve again in any public capacity. He did this with such solemnity as renders it impossible he should not be in earnest. The President is not well. Little

lingering fevers have been hanging about him for a week or ten days, and affected his looks most remarkably. He is also extremely affected by the attacks made and kept up on him in the public papers. I think he feels those things more than any person I ever yet met with. I am sincerely sorry to see them. I remember an observation of yours, made when I first went to New York, that the satellites and sycophants which surrounded him had wound up the ceremonials of the government to a pitch of stateliness which nothing but his personal character could have supported, and which no character after him could ever maintain. It appears now that even his will be insufficient to justify them in the appeal of the times to common sense as the arbiter of everything. Naked he would have been sanctimoniously reverenced; but enveloped in the rags of royalty, they can hardly be torn off without laceration. It is the more unfortunate that this attack is planted on popular ground, on the love of the people to France and its cause, which is universal. Genet mentions freely enough in conversation that France does not wish to involve us in the war by our guarantee. The information from St. Domingo and Martinique is, that those two islands are disposed and able to resist any attack which Great Britain can make on them by land. A blockade would be dangerous, could it be maintained in that climate for any length of time. I delivered to Genet your letter to Roland. As the latter is out of office, he will direct it to the minister of the Interior. I found every syllable of it strictly proper. Your ploughs shall be duly attended to. Have you ever taken notice of Tull's horse-houghing plough? I am persuaded that where you wish your work to be very exact, and our great plough where a less degree will suffice, leave us nothing to wish for from other countries as to ploughs, under our circumstances. I have not yet received my threshing machine. I fear the late, long, and heavy rains must have extended to us, and effected our wheat. Adieu. Yours affectionately.

TO GOVERNEUR MORRIS.

PHILADELPHIA, June 13, 1793.

DEAR SIR,—The insulated state in which France is placed with respect to almost all the world, by the present war, has cut off all means of addressing letters to you through other countries. I embrace the present occasion by a private individual going to France directly, to mention, that since the date of my last public letter, which was April the 24th, and which covered the President's proclamation of April, I have received your Nos. 17 to 24. M. de Ternant notified us of his recall on the 17th of May, and delivered the letter of the Provisory Executive Council to that effect. I now enclose you the President's answer to the Council, which you will be pleased to deliver; a copy of it is also enclosed, open, for your information. Mr. Genet delivered his credentials on the same day on which M. de Ternant took his leave, and was received by the President. He found himself immediately immersed in business, the consequence of this war. The incidents to which that gives daily rise, and the questions respecting chiefly France and England, fills the executive with business, equally delicate, difficult and disagreeable. The course intended to be pursued being that of a strict and impartial neutrality, decisions rendered by the President rigorously on that principle, dissatisfy both parties, and draw complaints from both. That you may have a proper idea of them, I enclose you copies of several memorials and letters, which have passed between the executive and the ministers of those two countries, which will at the same time develop the principles of the proceedings, and enable you to satisfy them in your communications, should it be necessary. I enclose also the answer given to Mr. Genet, on a proposition from him to pay up the whole of the French debt at once. While it will enable you to explain the impracticability of the operation proposed, it may put it in your power to judge of the answer which would be given to any future proposition to that effect, and perhaps to prevent their being brought forward. The bill lately passed in England, prohibiting the business of this

country with France from passing through the medium of England, is a temporary embarrassment to our commerce, from the unhappy predicament of its all hanging on the pivot of London. It will be happy for us, should it be continued till our merchants may establish connections in the countries in which our produce is consumed, and to which it should go directly.

Our commissioners have proceeded to the treaty with the northwestern Indians. They write, however, that the treaty will be a month later than was expected. This delay, should it be extended, will endanger our losing the benefit of our preparations for the campaign, and consequently bring on a delicate question, whether these shall be relinquished for the result of a treaty in which we never had any confidence? The Creeks have proceeded in their depredations till they assume the appearance of formal war. It scarcely seems possible to avoid its becoming so. They are so strong and so far from us, as to make very serious addition to our Indian difficulties. It is very probable that some of the circumstances arising out of our affairs with the Indians, or with the belligerent powers of Europe, may occasion the convocation of Congress at an earlier day than that to which its meeting stands at present.

I send you the forms of the passports given here. The one in three columns is that now used; the other having been soon discontinued. It is determined that they shall be given in our own ports only, and to serve but for one voyage. It has also been determined, that they shall be given to all vessels *bona fide* owned by American citizens *wholly*, whether built here or not. Our property, whether in the form of vessels, cargoes, or anything else, has a right to pass the seas untouched by any nation, by the law of nations; and no one has a right to ask where a vessel was built, but where is she owned? To the security which the law of nations gives to such vessels against all nations, are added particular stipulations with three of the belligerent powers. Had it not been in our power to enlarge our national stock of shipping suddenly in the present exigency, a great proportion of our produce must have remained on our hands for want of the means

of transportation to market. At this time, indeed, a great proportion is in that predicament. The most rigorous measures will be taken to prevent any vessel, not wholly and *bona fide* owned by American citizens, from obtaining our passports. It is much our interest to prevent the competition of other nations from taking from us the benefits we have a right to expect from the neutrality of our flag; and I think we may be very sure that few if any, will be fraudulently obtained within our ports.

Though our spring has been cold and wet, yet the crops of small grain are as promising as they have ever been seen. The Hessian fly, however, to the north, and the weavil to the south of the Potomac, will probably abridge the quantity. Still it seems very doubtful whether we shall not lose more for want of the means of transportation, and I have no doubt that the ships of Sweden and Denmark would find full employment here.

We shall endeavor to get your newspapers under the care of Major Reid, the bearer of this letter.

I have the honor to be, with great respect and esteem, dear Sir, your most obedient, and most humble servant.

TO MR. PINCKNEY.

PHILADELPHIA, June 14, 1793.

My last letters to you have been of the 7th of May and 4th instant. Since the last date, yours of April the 15th has come to hand.

I enclose you several memorials and letters which have passed between the Executive and the ministers of France and England. These will develop to you the principles on which we are proceeding between the belligerent powers. The decisions being founded in what is conceived to be rigorous justice, give dissatisfaction to both parties, and produce complaints from both. It is our duty, however, to persevere in them, and to meet the consequences. You will observe that Mr. Hammond proposes to refer to his court the determination of the President, that the

prizes taken by the Citoyen Genet, could not be given up. The reasons for this are explained in the papers. Mr. Genet had stated that she was manned by French citizens. Mr. Hammond had not stated the contrary before the decision. Neither produced any proofs. It was therefore supposed that she was manned, principally, with French citizens. After the decision, Mr. Hammond denies the fact, but without producing any proof. I am really unable to say how it was; but I believe it to be certain there were very few Americans. He says, the issuing the commission, &c., by Mr. Genet, within our territory, was an infringement of our sovereignty; therefore, the proceeds of it should be given up to Great Britain. The infringement was a matter between France and us. Had we insisted on any penalty or forfeiture by way of satisfaction to our insulted rights, it would have belonged to us, not to a third party. As between Great Britain and us, considering all the circumstances explained in the papers, we deemed we did enough to satisfy her. We are, moreover, assured, that it is the standing usage of France, perhaps too of other nations in all wars, to lodge blank commissions with all their foreign consuls, to be given to every vessel of their nation, merchant or armed; without which a merchant vessel would be punished as a pirate, were she to take the smallest thing of the enemy that should fall in her way. Indeed, the place of the delivery of a commission is immaterial. As it may be sent by letter to any one, so it may be delivered by hand to him anywhere. The place of *signature by the Sovereign* is the material thing. Were that to be done in any other jurisdiction than his own, it might draw the validity of the act into question. I mention these things, because I think it would be proper, that after considering them and such other circumstances as appear in the papers, or may occur to yourself, you should make it the subject of a conversation with the minister. Perhaps it may give you an opportunity of touching on another subject. Whenever Mr. Hammond applies to our government on any matter whatever, be it ever so new or difficult, if he does not receive his answer in two or three days or a week, we are goaded with

new letters on the subject. Sometimes it is the sailing of the packet, which is made the pretext for forcing us into premature and undigested determinations. You know best how far your applications meet such early attentions, and whether you may with propriety claim a return of them; you can best judge, too, of the expediency of an intimation, that where despatch is not reciprocal, it may be expedient and justifiable that delay should be so.

Our Commissioners have set out for the place of treaty with the North Western Indians. They have learned on their arrival at Niagara that the treaty will be a month later than was expected. Should further procrastination take place, it may wear the appearance of being intended to make us lose the present campaign, for which all our preparations are made. We have had little expectations of any favorable result from the treaty; and whether for such a prospect we should give up a campaign, will be a disagreeable question. The Creeks have proceeded in their depredations and murder till they assume the appearance of unequivocal war. It scarcely seems possible to avoid its becoming so. It is very possible that our affairs with the Indians or with the belligerent powers of Europe, may occasion the convocation of Congress at an earlier day than that to which its meeting stands at present.

Though our spring has been cold and wet, yet the crops of small grain are as promising as could be desired. They will suffer, however, by the Hessian fly to the north and the weavil to the south of the Patowmac.

My letter of the 4th instant was written to go by the Packet, but hearing before its departure that Major Jackson was to go in a few days by a private vessel, it was committed to him, as is also the present letter.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO M. GENET.

PHILADELPHIA, June 17, 1793.

SIR,—I have received and laid before the President your letter of the 14th instant, stating that certain judiciary officers of the United States, contrary to the laws of nations, and the treaties subsisting between France and the United States, had arrested certain vessels and cargoes taken by a French armed vessel and brought into this port, and desiring that the authority of the President might be interposed to restore the prizes with the damages for their detention.

By the laws of this country every individual claiming a right to any article of property, may demand process from a court of justice, and decision on the validity of his claim. This is understood to be the case, which is the subject of your letter. Individuals claiming a right to the prizes, have attached them by process from the Court of Admiralty, which that Court was not free to deny, because justice is to be denied to no man. If, at the hearing of the cause, it shall be found that it is not cognizable before that Court, you may so far rely on its learning and integrity as to be assured it will so pronounce itself. In like manner, if having jurisdiction of the causes, it shall find the rights of the claimants to be null, be assured it will pronounce that nullity, and in either case the property will be restored, but whether with damages or not, the Court alone is to decide. It happens in this particular case that the rule of decision will be not the municipal laws of the United States but the law of nations, and the law maritime, as admitted and practised in all civilized countries, that the same sentence will be pronounced here, that would be pronounced in the Republic of France, or in any other country of Europe; and that if it should be unfavorable to the captors, it will be for reasons understood and acknowledged in your own country, and for the justice of which we might safely appeal to the jurists of your own country. I will add, that if the seizure should be found contrary to the treaties subsisting between France and the United States, the judges will consider these

treaties as constituting a conventional law for the two nations, controlling all other laws, and will decree accordingly. The functions of the Executive are not competent to the decision of questions of property between individuals. These are ascribed to the judiciary alone, and when either persons or property are taken into their custody, there is no power in this country that can take them out. You will, therefore, be sensible, Sir, that though the President is not the organ for doing what is just in the present case, it will be effectually done by those to whom the Constitution has ascribed the duty, and be assured that the interests, the rights and the dignity of the French nation will receive within the bosom of the United States all the support which a friendly nation could desire, and a natural one yield.

I have the honor to be, with sentiments of great respect and esteem. Sir, your most obedient, and most humble servant.

TO MR. GENET.

PHILADELPHIA, June 17, 1793.

SIR,—I shall now have the honor of answering your letter of the 1st instant, and so much of that of the 14th (both of which have been laid before the President) as relates to a vessel armed in the port of New York and about to depart from thence, but stopped by order of the Government. And here I beg leave to premise, that the case supposed in your letter, of a vessel arming for her own defence, and to repel unjust aggressions, is not that in question, nor that on which I mean to answer, because not having yet happened, as far as is known to the Government, I have no instructions on the subject. The case in question is that of a vessel armed, equipped, and manned in a port of the United States, for the purpose of committing hostilities on nations at peace with the United States.

As soon as it was perceived that such enterprises would be attempted, orders to prevent them were despatched to all the States and ports of the Union. In consequence of these, the Governor

of New York, receiving information that a sloop heretofore called the Polly, now the Republican, was fitting out, arming, and manning in the port of New York, for the express and sole purpose of cruising against certain nations with whom we are at peace, that she had taken her guns and ammunition aboard, and was on the point of departure, seized the vessel. That the Governor was not mistaken in the previous indications of her object, appears by the subsequent avowal of the citizen Hauterieve, consul of France at that port, who, in a letter to the Governor, reclaims her as "Un vaisseau armé en guerre, et pret à mettre à la voile;" and describes her object in these expressions: "Cet usage etrange de la force publique contre les citoyens d'une nation amie qui se reunissent ici *pour aller defendre leur freres*," &c.; and again: "Je requiers, monsieur, l'autorité dont vous etes revetu, pour faire rendre à des Francois, à des alliés, &c., la liberté *de voler au secours de leur patrie.*" This transaction being reported to the President, orders were immediately sent to deliver over the vessel, and the persons concerned in the enterprise, to the tribunals of the country, that if the act was of those forbidden by the law, it might be punished; if it was not forbidden, it might be so declared, and all persons apprized of what they might or might not do.

This, we have reason to believe, is the true state of the case, and it is a repetition of that which was the subject of my letter of the 5th instant, which animadverted, not merely on the single fact of the granting commissions of war by one nation within the territory of another, but on the aggregate of the facts; for it states the opinion of the President to be, "that the arming and equipping vessels in the ports of the United States, to cruise against nations with whom we are at peace, was incompatible with the sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to commit their peace." And this opinion is still conceived to be not contrary to the principles of natural law, the usage of nations, the engagements which unite the two people, nor the proclamation of the President, as you seem to think.

Surely, not a syllable can be found in the last-mentioned instrument, permitting the preparation of hostilities in the ports of the United States. Its object was to enjoin on our citizens "a friendly conduct towards all the belligerent powers;" but a preparation of hostilities is the reverse of this.

None of the engagements in our treaties stipulate this permission. The XVIIth article of that of commerce, permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely; but the entry of an armed vessel into a port, is one act; the equipping a vessel in that port, arming her, and manning her, is a different one, and not engaged by any article of the treaty.

You think, Sir, that this opinion is also contrary to the law of nature and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely inquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. Let us appeal to enlightened and disinterested judges. None is more so than Vattel. He says, L. 3. 8. 104. "Tant qu'un peuple neutre veut jouir surement de cet état, il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au préjudice de l'autre, il ne pourra pas se plaindre, quand celui ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut etre la dupe. Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder.

"Elle se rapporte uniquement à la guerre, et comprend deux choses 1. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ne troupes, ni armes, ni munitions, ni rien de ce qui sert directement à la guerre. Je dis *ne point donner de secours*, et non pas *en donner egalement;* car il seroit absurde qu'un etat secourut en même tems deux ennemis. Et puis il seroit impossible de le faire avec egalité; les mêmes choses, le même nombre de troupes, la même quantitié d'armes, de munitions, &c., fournies en des circonstances differentes, ne forment plus des secours equivalents," &c. If the neutral power may

not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory by the law of nations. Wolf, S. 1174, says, "Puisque le droit de lever des soldats est un droit de majesté, qui ne peut être violé par une nation etrangere, il n'est pas permis de lever des soldats sur le territorie d'autrui, sans le consentement du maitre du territorie." And Vattel, before cited, L. 3. 8. 15. "Le droit de lever des soldats appartenant uniquement à la nation, on au souverain, personne ne peut en envoler en pays etranger sans la permission du souveraine: Ceux qui entre prennant d'engager des soldats en pays etranger sans la permission du souverain, et en general quiquonque debauche les sujets d'autrui, viole un des droits les plus sacrés du prince et de la nation. C'est le crime qu'on appelle *plagiat*, ou vol d'homme. Il n'est aucun etat police qui ne le punisse tres sévérement," &c. For I choose to refer you to the passage, rather than follow it through all its developments. The testimony of these, and other writers, on the law and usage of nations, with your own just reflections on them, will satisfy you that the United States, in prohibiting all the belligerent powers from equipping, arming, and manning vessels of war in their ports, have exercised a right and a duty, with justice and with great moderation. By our treaties with several of the belligerent powers, which are a part of the laws of our land, we have established a state of peace with them. But, without appealing to treaties, we are at peace with them all by the law of nature. For by nature's law, man is at peace with man till some aggression is committed, which, by the same law, authorizes one to destroy another as his enemy. For our citizens, then, to commit murders and depredations on the members of nations at peace with us, or combine to do it, appeared to the Executive, and to those with whom they consulted, as much against the laws of the land, as to murder or rob, or combine to murder or rob its own citizens; and as much to require punishment, if done within their limits, where they have a territorial jurisdiction, or on the high seas, where they have a personal jurisdiction, that is to say, one which reaches their own citizens only, this being an ap-

propriate part of each nation on an element where all have a common jurisdiction. So say our laws, as we understand them ourselves. To them the appeal is made; and whether we have construed them well or ill, the constitutional judges will decide. Till that decision shall be obtained, the government of the United States must pursue what they think right with firmness, as is their duty. On the first attempt that was made, the President was desirous of involving in the censures of the law as few as might be. Such of the individuals only, therefore, as were citizens of the United States, were singled out for prosecution. But this second attempt being after full knowledge of what had been done on the first, and indicating a disposition to go on in opposition to the laws, they are to take their course against all persons concerned, whether citizens or aliens; the latter, while within our jurisdiction and enjoying the protection of the laws, being bound to obedience to them, and to avoid disturbances of our peace within, or acts which would commit it without, equally as citizens are. I have the honor to be, with sentiments of great respect and esteem, Sir, your most obedient, and most humble servant.

TO MR. HAMMOND.

PHILADELPHIA, June 19, 1793.

SIR,—I had the honor to address you a letter on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive and important, and therefore rendered a certain degree of delay in the reply to be expected. But it has now become such as naturally to generate disquietude. The interest we have in the western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part. Permit me, therefore, to ask when I may expect the honor of a reply to my letter, and to assure you of the sentiments of respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO J. MADISON.

June 23, 1793.

DEAR SIR,—My last was of the 17th, if I may reckon a single line anything. Yours of the 13th came to hand yesterday. The proclamation as first proposed was to have been a declaration of neutrality. It was opposed on these grounds: 1. That a declaration of neutrality was a declaration there should be no war, to which the Executive was not competent. 2. That it would be better to hold back the declaration of neutrality, as a thing worth something to the powers at war, that they would bid for it, and we might reasonably ask a price, the *broadest privileges* of neutral nations. The first objection was so far respected as to avoid inserting the term *neutrality*, and the drawing the instrument was left to E. R. That there should be a proclamation was passed unanimously with the approbation or the acquiescence of all parties. Indeed, it was not expedient to oppose it altogether, lest it should prejudice what was the next question, the boldest and greatest that ever was hazarded, and which would have called for extremities had it prevailed. Spain is unquestionably picking a quarrel with us. A series of letters from her commissioners here prove it. We are sending a courier to Madrid. The inevitableness of war with the Creeks, and the probability, I might say the certainty of it with Spain, (for there is not one of us who doubts it,) will certainly occasion your convocation, at what time I cannot exactly say, but you should be prepared for this important change in the state of things. The President has got pretty well again; he sets off this day to Mount Vernon, and will be absent a fortnight. The death of his manager, hourly expected, of a consumption is the call; he will consequently be absent on the 4th of July. He travels in a phaeton and pair. Doctor Logan sends you the enclosed pamphlet. Adieu. Yours affectionately.

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